

Permit Extensions in Response to COVID-19

Article

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In response to the coronavirus pandemic, Governor DeSantis has issued Executive Order No. 20-51 declaring a state of emergency for all 67 counties in the state of Florida. In addition to providing services to those in need, an Executive Order of this kind also has the effect of extending the expiration dates of many types of building and development permits issued by state and local jurisdictions, as confirmed by the Florida Department of Business and Professional Regulation in an update to their frequently asked questions.

Florida Statutes Section 252.363 provides that, pursuant to a declaration of a state of emergency for a natural emergency, permits and other development orders are extended for the length of the state of emergency and for an additional six months thereafter. The coronavirus pandemic has been deemed a “natural emergency” for purposes of Section 252.363. The extension applies to the following:

- the expiration of a development order issued by a local government,
- the expiration of a building permit,
- the expiration of a permit issued by the Department of Environmental Protection or water management district, and
- the buildout date of a development of regional impact (DRI), including any extensions of a buildout date that was previously granted.

It is important to remember that extensions of permits are not automatic. If you choose to exercise your right to extend your permit’s expiration date, you must properly notify the relevant permit authority within 90 days after the termination of the emergency declaration. The notice must be in writing and identify the specific permit or other authorization qualifying the extension.

UPDATE: The process for requesting tolling and extension of a permit expiration may vary depending on the local government. In Orange County, a permit holder must notify the issuer of permit in writing of its intent to exercise the tolling extension. The permit holder will then be asked to fill out a “Declaration of State of Emergency Written Permit/Development Order Extension Notification” form. The appropriate division will then review

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the request (in conjunction with the County Attorney's office, if necessary) and after determining that the project is eligible for an extension, extend the expiration date, as applicable.

If you need assistance with or have questions regarding permit extensions, the Land Use, Zoning & Environmental Group at Lowndes is here to help.