

By Senator Albritton

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1                                   A bill to be entitled  
2           An act relating to the tolling and extension of  
3           permits and other authorizations during states of  
4           emergency; amending s. 252.363, F.S.; adding  
5           consumptive use permits issued under part II of ch.  
6           373, F.S., and specified development permits and  
7           development agreements to the list of permits and  
8           other authorizations that are tolled and extended  
9           during a state of emergency declared by the Governor  
10          for a natural emergency; providing for retroactive  
11          application; providing an effective date.

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13 Be It Enacted by the Legislature of the State of Florida:

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15           Section 1. Subsection (1) of section 252.363, Florida  
16           Statutes, is amended to read:

17           252.363 Tolling and extension of permits and other  
18           authorizations.—

19           (1) (a) The declaration of a state of emergency issued by  
20           the Governor for a natural emergency tolls the period remaining  
21           to exercise the rights under a permit or other authorization for  
22           the duration of the emergency declaration. Further, the  
23           emergency declaration extends the period remaining to exercise  
24           the rights under a permit or other authorization for 6 months in  
25           addition to the tolled period. This paragraph applies to the  
26           following:

27           1. The expiration of a development order issued by a local  
28           government.

29           2. The expiration of a building permit.

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30           3. The expiration of a permit issued by the Department of  
31 Environmental Protection or a water management district pursuant  
32 to part II or part IV of chapter 373.

33           4. The buildout date of a development of regional impact,  
34 including any extension of a buildout date that was previously  
35 granted as specified in s. 380.06(7)(c).

36           5. Development permits and development agreements  
37 authorized by state law, including those authorized under the  
38 Florida Local Government Development Agreement Act, or issued by  
39 a local government or other governmental agency.

40           (b) Within 90 days after the termination of the emergency  
41 declaration, the holder of the permit or other authorization  
42 shall notify the issuing authority of the intent to exercise the  
43 tolling and extension granted under paragraph (a). The notice  
44 must be in writing and identify the specific permit or other  
45 authorization qualifying for extension.

46           (c) If the permit or other authorization for a phased  
47 construction project is extended, the commencement and  
48 completion dates for any required mitigation are extended such  
49 that the mitigation activities occur in the same timeframe  
50 relative to the phase as originally permitted.

51           (d) This subsection does not apply to:

52           1. A permit or other authorization for a building,  
53 improvement, or development located outside the geographic area  
54 for which the declaration of a state of emergency applies.

55           2. A permit or other authorization under any programmatic  
56 or regional general permit issued by the Army Corps of  
57 Engineers.

58           3. The holder of a permit or other authorization who is

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59 determined by the authorizing agency to be in significant  
60 noncompliance with the conditions of the permit or other  
61 authorization through the issuance of a warning letter or notice  
62 of violation, the initiation of formal enforcement, or an  
63 equivalent action.

64 4. A permit or other authorization that is subject to a  
65 court order specifying an expiration date or buildout date that  
66 would be in conflict with the extensions granted in this  
67 section.

68 Section 2. The amendments made to s. 252.363, Florida  
69 Statutes, by this act shall apply retroactively to any  
70 declaration of a state of emergency issued by the Governor for a  
71 natural emergency since March 1, 2020.

72 Section 3. This act shall take effect upon becoming a law.