

By the Committee on Environment and Natural Resources; and
Senator Albritton

592-03176-21

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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. The expiration of a development permit or a development
37 agreement authorized by state law, including those authorized
38 under the Florida Local Government Development Agreement Act, or
39 issued by 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.