

Memorandum

TO: Municipal Attorneys & Key Officials

FROM: Rebecca O'Hara, Deputy General Counsel

SUBJ: Effect of Governor's Executive Order 20-52

(Declaring State of Emergency) on Development Orders and Building Permits

DATE: March 27, 2020

On March 9, 2020, Governor DeSantis issued Executive Order 20-52 ()https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-52.pdf) declaring a state of emergency exists in the State of Florida relating to the public health emergency of COVID-19. Please note that Section 252.363, Florida Statutes (http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0252/Sections/0252.363.html), provides the declaration of a state of emergency by the Governor for a natural emergency tolls the period remaining to exercise the rights under a permit or other authorization for the duration of the emergency declaration. Further, the declaration extends the period remaining to exercise rights under the permit or other authorization for 6 months in addition to the tolled period. This statute specifically tolls the period for the expiration of any "development order" issued by a local government or the expiration of any building permit. The statute requires the holder of any permit or other authorization to notify the issuing authority, within 90 days after termination of the emergency declaration, of the intent to exercise the tolling and extension. The notice must be in writing and identify the specific permit or other authorization qualifying for the extension.

With respect to building permits, building inspections and construction job sites, you may find helpful this additional information provided by the Florida Department of Business and Professional Regulation http://www.myfloridalicense.com/DBPR/os/documents/BuildingPermits BuildingInspections Construct ion FAQs.pdf.

¹ Section 163.3164(15) & (16), Florida Statutes, defines "development order" and "development permit" as follows:

^{(15) &}quot;Development order" means any order granting, denying, or granting with conditions an application for a development permit.

^{(16) &}quot;Development permit" includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.