

2011 Florida Legislature Authorizes Extension of Certain Development Approvals

October 13, 2011

To provide relief to the construction and real estate industries, the 2011 Florida Legislature extended certain state and local development approvals for up to an aggregate of 6 years. These approvals are not automatic and require written notification to the permitting agency by December 31, 2011; otherwise, the extensions are not available.

The following development approvals and the amount of extension authorized are summarized below:

1. Developments of Regional Impact (DRI) – 4 years for phase, buildout and commencement dates for valid (unexpired) development orders. Mitigation dates also may be extended if the local government has not relied upon the required mitigation by taking certain actions. This extension will require notifications of other agencies and an eventual filing with the Clerk of the Court.

2. Local Development Orders and Building Permits – 2 years for building permits and all approvals the local government defines as a development order (may include concurrency approvals, construction plans, plats) if:

- the permits expire between January 1, 2012 and January 1, 2014; or
- a permit extension was received in 2009 (SB 360) but was not eligible for extension in 2010 (SB 1752) because the permit did not meet the required expiration dates;
- permits cannot be further extended if extensions were received in both 2009 and 2010

3. Environmental Resource Permits (ERP) issued by the Water Management District or Florida Department of Environmental Protection – 2 years if they meet the extension requirements identified in #2 above.

4. State of Emergency Extensions - An additional extension may be requested for all permits listed above due to the Governors Wildfire Declaration, which is for six months plus the tolling period of the declaration (which is currently eight months). This extension must meet the extension requirements in #2 above. The permitting agency must receive notice within 90 days of the termination of the emergency declaration.

All of these permit extensions were included in the Community Planning Act (HB 7207) or the Economic Development Reform Bill (SB 2156). Nancy Linnan and Darrin Taylor in our Tallahassee office were very active in the Community Planning Act and Economic Development Reform legislation. Please contact them if you would like further information regarding the permit extensions or would like a personalized discussion on how the new legislation impacts you.

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