



March 28, 2023

STATE OF EMERGENCY IAN STILL IN EFFECT GIVING MORE TIME FOR DEVELOPERS AND PERMIT HOLDERS; GOVERNOR DESANTIS EXTENDS STATE OF EMERGENCY FOR HURRICANE NICOLE

By: Amy S. Thibaut, Esq.

Property owners in Florida may be able to extend their development approvals pursuant to the Hurricane Ian and Hurricane Nicole states of emergency, which are currently active across **all Florida counties**. Florida law provides that certain development permits may be tolled and extended in response to a state of emergency for a “natural emergency,” such as a hurricane. Property owners must file notice in accordance with [Section 252.363, Fla. Stat.](#), to take advantage of these extensions.

The state of emergency for Hurricane Ian was declared for certain Florida counties on September 23, 2022, per [Executive Order 22-218](#), and was amended to include all Florida counties on September 24, 2022 by [Executive Order 22-219](#). The state of emergency has been extended three times on November 21, 2022, January 19, 2023, and March 17, 2023 by [Executive Orders 22-268, 23-21](#) and [23-60](#). **The Hurricane Ian state of emergency is set to expire on May 16, 2023**, unless extended or otherwise modified by the Governor.

In addition, Governor DeSantis issued [Executive Order 22-253](#) on November 7, 2022, declaring a 60-day state of emergency in 34 counties due to Hurricane Nicole, which state of emergency was expanded to include all Florida counties per [Executive Order 22-256](#) on November 10, 2022. The state of emergency was subsequently extended on January 5, 2023 and again on March 3, 2023, pursuant to [Executive Orders 23-02](#) and [23-48](#), respectively. **The Hurricane Nicole state of emergency is set to expire on May 3, 2023**, unless extended or otherwise modified by the Governor.

Our land use attorneys are working with property owners across the state to determine which of their development permits may be extended, and to what extent. Section 252.363., Fla. Stat., provides for both

tolling and extensions of permits, which calculations are dependent upon various factors that our attorneys are well-equipped to address. Our office also diligently prepares and submits these notices to ensure that all statutory requirements are met, providing property owners with peace of mind knowing that their entitlements are adequately protected.

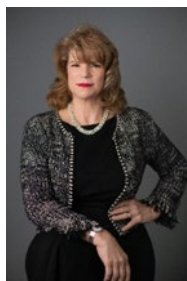
To learn more about how the Hurricane Ian and/or Hurricane Nicole states of emergency may impact your development permits, please contact one of our Land Use, Development and Zoning Attorneys at (239) 334-2195 or via email.

Land Use, Development and Zoning Attorneys:



[Steven C. Hartsell](#)

Email: stevehartsell@paveselaw.com



[Katherine R. English](#)

Email: katherinenenglish@paveselaw.com



[Neale Montgomery](#)

Email: nealemontgomery@paveselaw.com



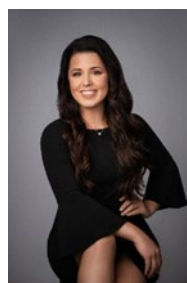
[Amy Sarazen Thibaut](#)

Email: amythibaut@paveselaw.com



[Irene Kennedy Quincey](#)

Email: irenequincey@paveselaw.com



[Raychel Thomas](#)

Email: raychelthomas@paveselaw.com

A note to the reader: This article is intended to provide general information and is not intended to be a substitute for competent legal advice. Competent legal counsel should be consulted if you have questions regarding compliance with the law.

Amy Thibaut is an experienced attorney who specializes in land use, environmental and real estate law with Pavese Law Firm, 1833 Hendry Street, Fort Myers, FL 33901; Telephone: (239) 334-2195; Fax: (239) 332-2243. To view past articles, please click “Publications” on our firm website.

We are a full-service law firm and capable of handling all your legal needs.

Firm Practice Areas include:

- Agricultural
- Banking and Finance
- Business and Corporate
- Civil Litigation
- Condominium and Homeowners’ Association Law
- Construction
- Environmental and Water
- Estate Planning, Probate and Trusts
- Land Use and Local Government
- Marital and Family
- Real Estate

Visit us on the web at www.PaveseLaw.com.

**PAVESE
LAW FIRM**
est. 1949

MAIN OFFICE
FORT MYERS
239.334.2195

BRANCH OFFICES
CAPE CORAL
239.334.2195

WEST PALM BEACH
561.471.1366

PaveseLaw.com