



January 11, 2024

## **TOLLING AND EXTENDING PERMITS, OTHER AUTHORIZATIONS DUE TO STATES OF EMERGENCY FOR HURRICANES IAN, NICOLE, AND IDALIA**

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Property owners should be advised that Section 252.363, Florida Statutes, extends certain permits and other authorizations in counties where there is a State of Emergency (SOE) declared by the Governor because of a natural disaster. This law provides that certain development approvals are tolled for the duration of the SOE, meaning the approval does not expire. Then, upon expiration of the SOE, the approvals are extended another twenty-four (24) months. This law formerly provided an extension of six (6) months; however, the widespread destruction of Hurricane Ian ostensibly necessitated an increase, and the availability of a twenty-four-month (24) extension applies retroactively to September 28, 2022, the day Ian made landfall.

There are currently three active SOEs for hurricanes in Southwest Florida: Ian, Nicole, and Idalia. The SOE for Hurricane Ian began September 23, 2022, by Executive Order (EO) 22-218 and has been extended by EOs 23-21, 23-60, 23-104, 23-139, 23-176, 23-214, and 24-02. It is set to expire on March 5, 2024, unless otherwise extended.

The SOE for Hurricane Nicole began November 7, 2022, by EO 22-253 and has been extended by EOs 23-02, 23-48, 23-87, 23-133, 23-170, 23-211, and 23-243. It is set to expire February 21, 2024, unless otherwise extended.

The SOE for Hurricane Idalia began August 26, 2023, by EO 23-171, and has been extended by EOs 23-212 and 23-243. It is set to expire on February 21, 2024, unless otherwise extended.

To benefit from Section 252.363, property owners need to properly file notice with the appropriate municipality or board upon expiration of an SOE which covers their county.

Our land use attorneys work with property owners to determine which of their development permits may be extended, and to what extent. 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 Hurricane Ian, Hurricane Nicole, and Hurricane Idalia 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.

*A note to the reader: Please be advised that this article is intended to offer general information and should not be considered a replacement for professional legal advice. It is strongly recommended that you seek the guidance of competent legal counsel if you have any inquiries related to legal compliance.*

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