

What Permits Qualify for a Time Extension for a State of Emergency?



Section 252.363, Florida Statute provides for tolling and extending the expiration dates of certain permits and other authorizations following the declaration of a state of emergency by the Governor.

Certain Environmental Resource Permits Qualify

» All Environmental Resource Permits granted under Part IV, Chapter 373, F.S., including:

- General Permits
- Mining Permits
- Joint Coastal Permits
- Conceptual Approval Permits
- Delegated Local Government Permits

Permits That Do NOT Qualify include:

» ERP Permits that:

- Include federal authorization on behalf of the U.S. Army Corps of Engineers through the State Programmatic General Permit (SPGP)
- Are held by an owner or operator determined to be in significant non-compliance
- Are subject to a court order that specifies an expiration date or buildout date in conflict with an extension pursuant to this section.

» Department Permits issued under other Statutes, such as:

- Mangrove Trimming and Alteration Permits
- Bureau of Mine Reclamation Permits
- Coastal Construction Control Line Permits
- State-Owned Submerged Land Authorizations (i.e. Leases and Easements)
- Collection/Transmission Systems
- Drinking Water Distribution Systems
- Permits issued by the Departments' Wastewater, Solid Waste, Air, Underground Injection Control, or Drinking Water Programs

How to Submit Notification:

- Grab your qualifying Environmental Resource Permit
- Look up the Emergency Orders for State of Emergency (<http://www.flgov.com/all-executive-orders/>)
- Determine if your Permit occurs within the Geographic Region of a State of Emergency
- Check the expiration date of the State of Emergency (notifications must be submitted no later than 90 days after the expiration date of the State of Emergency or the extension of a State of Emergency)
- Submit to your Local DEP Office

Duration of Permit Extension:

» Qualifying permits are extended for the duration of the applicable state of emergency (as measured in days) plus an additional six months.

Example:

Existing Expiration Date of ERP = August 19, 2011

Duration of State of Emergency = 126 days

August 19, 2011 + 126 days = December 23, 2011

December 23 + 6 months = June 23, 2012

Local DEP Office Information:

South District

SouthDistrict@dep.state.fl.us

239-344-5600