



Governor's Executive Order on the COVID-19 Virus Qualifies as a "Natural Emergency" – Allows for Tolling of Permits

*The following update is provided to you by the Land Use and Real Estate Group
of Hill Ward Henderson*

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATIONS – FREQUENTLY ASKED QUESTIONS RE: BUILDING PERMITS, BUILDING INSPECTIONS, AND CONSTRUCTION JOB SITES UPDATED 03.20.2020

What effect do the Governor's Emergency Orders have on existing permits?

Executive Order 20-52, issued March 9, 2020, qualifies as a "natural emergency" pursuant to Florida law, which allows for the tolling of certain permits for the duration of the emergency declaration and for up to six months in addition to the tolled period (see s. 252.363, F.S.).

This applies to the following:

1. The expiration of a development order issued by a local government
2. The expiration of a building permit
3. The expiration of a permit issued by the Florida Department of Environmental Protection or a water management district pursuant to part IV of Chapter 373, F.S.
4. The buildout date of a development of regional impact, including a any extension of a buildout date that previously granted as specified in s. 380.06(7)(c), F.S.

Please contact the appropriate issuing authority for additional questions and procedures.

What are some best practices for local building departments and inspectors?

Construction projects are dependent on local building departments and inspectors in order to begin projects or to continue existing projects. In order to facilitate needed permits and inspections, the following best practices are recommended:

1. Limit in-office department visits to appointments only
2. Encourage on-line services whenever possible
3. For field staff, allow them to work from the home to the field
4. Utilize photographs, skype or other appropriate electronic means to inspect the site when possible
5. For all on-site inspections, prior to arriving on site, inquire regarding if anyone on site is ill or has exhibited symptoms related to COVID-19
6. Provide and require use of hand sanitizer before entering a job site and leaving a job site
7. Where needed, utilize private providers to ease the burden on staff of the local department
8. Allow individuals to work from home whenever possible
9. For individuals continuing to work within the office, follow CDC guidelines for spacing amongst employees

What are some best practices on the job site?

Construction is unique in that job sites for projects are closed to public, the onsite traffic and population is a controlled environment, and much of the work can be done in an environment that is open air, or open to the air. The following best practices are recommended:

1. Conduct all morning jobsite meetings outside the trailer, with only key personnel, keeping six feet distance per CDC guidelines
2. Provide and require use of hand sanitizer before entering a job site and leaving a job site
3. Ramp up cleaning and disinfecting of all offsite and jobsite office facilities
4. Practice social distancing per CDC guidelines and work in teams of no more than 10 people in one area
5. Encourage those who feel sick to stay at home
6. Supply jobsites with additional sanitation stations
7. When working on an occupied dwelling, as the occupant if he/she is sick and if they are, postpone work
8. Supervisors should talk to employees to ascertain if any are ill or exhibiting symptoms related to COVID-19
9. Post additional signage at jobsites along the lines of the following:
 - Have you been asked to self-quarantine or been diagnosed with COVID-19?
 - Have you experienced the recent onset of any illness-related symptoms, such as fever, cough, or shortness of breath?
 - Have you traveled outside of North America in the last 14 days?
 - Have you been on any domestic travel within North America in the 14 days?
 - Have you been in contact with any of the following:
 1. Any person(s) who has traveled outside of North America in the last 14 days?
 2. Any person(s) who has been asked to self-quarantine?
 3. Any person(s) who has been diagnosed with COVID-19?
 - DO not allow anyone who answers yes to any of these questions to enter the office or jobsite facilities.

**If you have any questions about these ongoing issues
and how they may affect your business,
please contact a member of Hill Ward Henderson's COVID-19 Attorney Response Team
for Real Estate:**



Katie Cole
katie.cole@hwhlaw.com
727.259.6791



Kami Corbett
kami.corbett@hwhlaw.com
813.227.8421

***Please visit our [COVID-19 Attorney Response Team page](#) for important updates
on this very fluid situation.***

Disclaimer: This newsletter was created by Hill Ward Henderson for informational purposes only. It discusses legal developments and should not be regarded as legal advice for specific situations. Those who read this information should not act upon it without seeking legal advice. Neither prior results described herein, nor any other representations contained herein guarantee a similar outcome.

