

1 A bill to be entitled
2 An act relating to residential building permits;
3 creating s. 177.073, F.S.; providing definitions;
4 requiring certain governing bodies, by a date certain,
5 to create a program to expedite the process for
6 issuing residential building permits before a final
7 plat is recorded; providing an exception; requiring a
8 governing body to create certain processes for
9 purposes of the program; authorizing applicants to use
10 a private provider for certain reviews; authorizing a
11 governing body to issue addresses and temporary parcel
12 identification numbers for specified purposes;
13 requiring a governing body to issue a specified number
14 or percentage of building permits requested in an
15 application when certain conditions are met; setting
16 forth certain conditions for applicants who apply to
17 the program; providing that an applicant has a vested
18 right in an approved preliminary plat when certain
19 conditions are met; requiring a local building
20 official to mail a signed, certified letter with
21 specified information to the Department of Business
22 and Professional Regulation after the governing body
23 creates the program; amending s. 553.79, F.S.;
24 removing provisions relating to acquiring building
25 permits for certain residential dwellings; amending s.

553.791, F.S.; requiring a local jurisdiction to reduce permit fees by a certain percentage under certain circumstances; amending s. 553.792, F.S.; revising the timeframes for approving or denying certain building permits; requiring a local government to provide written notice to an applicant under certain circumstances; revising how many times a local government may request additional information from an applicant; specifying when a permit application is deemed complete and sufficient; requiring the opportunity for an in-person or virtual meeting before a second request for additional information may be made; reducing permit fees by a certain percentage if certain timeframes are not met; authorizing both parties to extend certain timeframes under certain circumstances; specifying that the permit requirements apply to single-family residential units and single-family residential dwellings; providing that building permits for a single-family residential dwelling are valid indefinitely, subject to compliance with the Florida Building Code and local ordinances; requiring that local governments follow the prescribed timeframes unless a local ordinance is more stringent; requiring a local government, upon request, to issue a certain percentage of building permits if certain

conditions are met; prohibiting a transfer of ownership until certain conditions are met; conforming provisions to changes made by the act; amending s. 440.103, F.S.; conforming a cross-reference; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 177.073, Florida Statutes, is created to read:

177.073 Expedited approval of residential building permits before a final plat is recorded.—

(1) As used in this section, the term:

(a) "Final plat" means the final tracing, map, or site plan presented by the subdivider to a governing body for final approval, and, upon approval by the appropriate governing body, is submitted to the clerk of the circuit court for recording.

(b) "Local building official" has the same meaning as in s. 553.791(1).

(c) "Plans" means any building plans, construction plans, engineering plans, or site plans, or their functional equivalent, submitted by an applicant for a building permit.

(d) "Preliminary plat" means a map or delineated representation of the subdivision of lands that is a complete and exact representation of the residential subdivision and

76 contains any additional information needed to be in compliance
77 with the requirements of this chapter.

78 (2)(a) By August 15, 2024, a governing body that has
79 30,000 residents or more shall create a program to expedite the
80 process for issuing building permits for residential
81 subdivisions in accordance with the Florida Building Code and
82 this section before a final plat is recorded with the clerk of
83 the circuit court.

84 (b) A governing body that has a program in place before
85 July 1, 2024, to expedite the building permit process, need only
86 update their program to approve an applicant's request to issue
87 up to 50 percent of the building permits for the residential
88 subdivision in order to comply with this section.

89 (3) A governing body shall create:

90 (a) A two-step application process that includes the
91 adoption of a preliminary plat and a final plat in order to
92 expedite the issuance of building permits under this section.
93 The governing body shall maximize its administrative processes
94 to expedite the review and approval of applications, plats, and
95 plans submitted under this section.

96 (b) A master building permit process consistent with s.
97 553.794(3) for applicants seeking multiple building permits for
98 planned residential subdivisions.

99 (4) An applicant may use a private provider consistent
100 with s. 553.791 to review a preliminary plat and building permit

101 for each residential building or structure.

102 (5) A governing body may work with appropriate local
103 government agencies to issue an address and a temporary parcel
104 identification number for lot lines and lot sizes based on the
105 metes and bounds of the plat contained in the application.

106 (6) If an applicant requests a certain number or
107 percentage of building permits in his or her application, the
108 governing body must issue the number or percentage requested in
109 accordance with the Florida Building Code, provided the
110 residential buildings or structures are unoccupied and all of
111 the following conditions are met:

112 (a) The governing body has approved a preliminary plat for
113 each residential building or structure.

114 (b) The applicant provides proof to the governing body
115 that the applicant has given a copy of the approved preliminary
116 plat, along with the approved plans, to the relevant electric,
117 water, and wastewater utilities.

118 (c) The applicant holds a valid performance bond for up to
119 120 percent of the necessary utilities, roads, and stormwater
120 improvements that have not been completed upon submission of the
121 application under this section.

122 (7)(a) An applicant may contract to sell, but may not
123 transfer ownership of, a residential structure or building
124 located in the residential subdivision until the final plat is
125 approved by the governing body and recorded in the public

126 records by the clerk of the circuit court.

127 (b) An applicant may not obtain a final certificate of
128 occupancy with respect to each residential structure or building
129 for which a building permit is issued until the final plat is
130 approved by the governing body and recorded in the public
131 records by the clerk of the circuit court.

132 (c) An applicant must indemnify and hold harmless the
133 governing body and its agents and employees from damages
134 accruing and directly related to the issuance of a building
135 permit for a residential building or structure located in the
136 residential subdivision before the approval and recording of the
137 final plat by the governing body. This includes damage resulting
138 from fire, flood, construction defects, and bodily injury.

139 (8) For purposes of this section, an applicant has a
140 vested right in a preliminary plat that has been approved by a
141 governing body if all of the following conditions are met:

142 (a) The applicant relies in good faith on the approved
143 preliminary plat.

144 (b) The applicant substantially changes his or her
145 position, including making improvements pursuant to s.
146 177.301(9), or incurs other obligations and expenses.

147 (c) Any change by the governing body would constitute an
148 inequitable interference in the approved preliminary plat.

149 (9) After a governing body creates the program required
150 under this section, the local building official shall send by

151 certified mail, return receipt requested, to the Department of
152 Business and Professional Regulation a signed, certified letter
153 indicating that the program has been established. The letter
154 must contain a brief explanation of the program, including how
155 the program expedites the process of issuing building permits
156 for residential subdivisions before the final plat is recorded.

157 Section 2. Subsection (16) of section 553.79, Florida
158 Statutes, is amended to read:

159 553.79 Permits; applications; issuance; inspections.—

160 ~~(16) Except as provided in paragraph (c), a building~~
161 ~~permit for a single-family residential dwelling must be issued~~
162 ~~within 30 business days after receiving the permit application~~
163 ~~unless the permit application fails to satisfy the Florida~~
164 ~~Building Code or the enforcing agency's laws or ordinances.~~

165 ~~(a) If a local enforcement agency fails to issue a~~
166 ~~building permit for a single-family residential dwelling within~~
167 ~~30 business days after receiving the permit application, it must~~
168 ~~reduce the building permit fee by 10 percent for each business~~
169 ~~day that it fails to meet the deadline. Each 10-percent~~
170 ~~reduction shall be based on the original amount of the building~~
171 ~~permit fee.~~

172 ~~(b) A local enforcement agency does not have to reduce the~~
173 ~~building permit fee if it provides written notice to the~~
174 ~~applicant, by e-mail or United States Postal Service, within 30~~
175 ~~business days after receiving the permit application, that~~

specifically states the reasons the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances. The written notice must also state that the applicant has 10 business days after receiving the written notice to submit revisions to correct the permit application and that failure to correct the application within 10 business days will result in a denial of the application.

~~(c) The applicant has 10 business days after receiving the written notice to address the reasons specified by the local enforcement agency and submit revisions to correct the permit application. If the applicant submits revisions within 10 business days after receiving the written notice, the local enforcement agency has 10 business days after receiving such revisions to approve or deny the building permit unless the applicant agrees to a longer period in writing. If the local enforcement agency fails to issue or deny the building permit within 10 business days after receiving the revisions, it must reduce the building permit fee by 20 percent for the first business day that it fails to meet the deadline unless the applicant agrees to a longer period in writing. For each additional business day, but not to exceed 5 business days, that the local enforcement agency fails to meet the deadline, the building permit fee must be reduced by an additional 10 percent. Each reduction shall be based on the original amount of the building permit fee.~~

~~(d) If any building permit fees are refunded under this subsection, the surcharges provided in s. 468.631 or s. 553.721 must be recalculated based on the amount of the building permit fees after the refund.~~

~~(e) A building permit for a single-family residential dwelling applied for by a contractor licensed in this state on behalf of a property owner who participates in a Community Development Block Grant-Disaster Recovery program administered by the Department of Economic Opportunity must be issued within 15 working days after receipt of the application unless the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances.~~

Section 3. Paragraph (b) of subsection (2) of section 553.791, Florida Statutes, is amended to read:

553.791 Alternative plans review and inspection.—

(2)

(b) If an owner or contractor retains a private provider for purposes of plans review or building inspection services, the local jurisdiction must reduce the permit fee by 75 percent ~~the amount of cost savings realized by the local enforcement agency~~ for not having to perform such services. ~~Such reduction may be calculated on a flat fee or percentage basis, or any other reasonable means by which a local enforcement agency assesses the cost for its plans review or inspection services.~~
The local jurisdiction may not charge fees for building

inspections if the fee owner or contractor hires a private provider to perform such services; however, the local jurisdiction may charge a reasonable administrative fee, which must ~~shall~~ be based on the cost that is actually incurred, including the labor cost of the personnel providing the service, by the local jurisdiction or attributable to the local jurisdiction for the clerical and supervisory assistance required, or both.

Section 4. Subsections (1) and (2) of section 553.792, Florida Statutes, are amended and subsection (4) is added to that section, to read:

553.792 Building permit application to local government.—

(1)(a) After ~~Within 10 days of~~ an applicant submits ~~submitting~~ an application to the local government, the local government must provide written notice to the applicant within 3 calendar days after receipt of the application advising ~~shall advise~~ the applicant what information, if any, is needed to deem the application properly completed in compliance with the filing requirements published by the local government. If the local government does not provide timely written notice that the applicant has not submitted a ~~the~~ properly completed application, the application is ~~shall be~~ automatically deemed properly completed and sufficient ~~accepted~~.

(b) Within 9 calendar ~~45~~ days after receiving a completed application, a local government must provide written notice to

251 ~~notify~~ an applicant if additional information is required for
252 the local government to determine the sufficiency of the
253 application, and the notice must ~~shall~~ specify the additional
254 information that is required. The applicant may ~~must~~ submit the
255 additional information to the local government or request that
256 the local government act without the additional information.
257 ~~While the applicant responds to the request for additional~~
258 ~~information, the 120-day period described in this subsection is~~
259 ~~tolled. Both parties may agree to a reasonable request for an~~
260 ~~extension of time, particularly in the event of a force majeure~~
261 ~~or other extraordinary circumstance. The local government must~~
262 ~~approve, approve with conditions, or deny the application within~~
263 ~~120 days following receipt of a completed application.~~

264 (c) A local government shall maintain on its website a
265 policy containing procedures and expectations for expedited
266 processing of those building permits and development orders
267 required by law to be expedited.

268 (d)1. ~~(b)1.~~ When reviewing an application for a building
269 permit, a local government may not request additional
270 information from the applicant more than two ~~three~~ times, unless
271 the applicant waives such limitation in writing.

272 2. If a local government requests additional information
273 from an applicant and the applicant submits the requested
274 additional information to the local government ~~within 30 days~~
275 ~~after receiving the request~~, the local government must, within 9

calendar ~~15~~ days after receiving such information:

a. Determine if the application is properly completed;

b. Approve the application;

c. Approve the application with conditions;

~~d. Deny the application; or~~

~~d.e.~~ Advise the applicant in writing of information, if any, that is needed to ~~deem the application properly completed or to~~ determine the sufficiency of the application.

~~3. If a local government makes a second request for additional information from the applicant and the applicant submits the requested additional information to the local government within 30 days after receiving the request, the local government must, within 10 days after receiving such information:~~

~~a. Determine if the application is properly completed;~~

~~b. Approve the application;~~

~~c. Approve the application with conditions;~~

~~d. Deny the application; or~~

~~e. Advise the applicant of information, if any, that is needed to deem the application properly completed or to determine the sufficiency of the application.~~

~~3.4.~~ Before a second ~~third~~ request for additional information may be made, the local government must offer the applicant ~~must be offered~~ an opportunity to meet in person or virtually with the local government to attempt to resolve

301 outstanding issues. Such meeting must occur within 5 calendar
302 days after the applicant notifies the local government in
303 writing that he or she wants an in-person or virtual meeting,
304 unless the applicant agrees to a longer time period in writing.

305 4. If a local government makes a second ~~third~~ request for
306 additional information from the applicant and the applicant
307 submits the requested additional information to the local
308 government ~~within 30 days after receiving the request~~, the local
309 government must, within 9 calendar ~~10~~ days after receiving such
310 information unless the applicant waived the local government's
311 time limitation in writing, determine that the application is
312 complete and:

- 313 a. Approve the application;
314 b. Approve the application with conditions; or
315 c. Deny the application and provide the applicant with
316 sufficient reason for such denial.

317 5. If the applicant believes the request for additional
318 information is not authorized by ordinance, rule, statute, or
319 other legal authority, the local government, at the applicant's
320 written request, must process the application within 9 calendar
321 days after receipt of the request and ~~either~~ approve the
322 application, approve the application with conditions, or deny
323 the application and provide the applicant with sufficient reason
324 for such denial.

325 6. If a local government does not notify the applicant

326 that the application is approved, approved with conditions, or
327 denied within 9 calendar days after the local government
328 receives the additional information requested under subparagraph
329 4., the application is deemed approved.

330 (e) The following timeframes apply for single-family or
331 two-family dwellings or townhomes located within a master plan
332 community for which the permit for the master plan community has
333 already been approved under s. 553.794:

334 1. After an applicant submits an application to the local
335 government, the local government must provide written notice to
336 the applicant within 1 calendar day after receipt of the
337 application advising the applicant what information, if any, is
338 needed to deem the application properly completed in compliance
339 with the filing requirements published by the local government.
340 If the local government does not provide timely written notice
341 that the applicant has not submitted a properly completed
342 application, the application is automatically deemed properly
343 completed and sufficient.

344 2. Within 5 calendar days after receiving a completed
345 application, a local government must provide written notice to
346 an applicant if additional information is required for the local
347 government to determine the sufficiency of the application, and
348 the notice must specify the additional information that is
349 required. The applicant may submit the additional information to
350 the local government or request that the local government act

351 without the additional information.

352 3. When reviewing an application under this paragraph, a
353 local government may not request additional information from the
354 applicant more than once, unless the applicant waives such
355 limitation in writing.

356 4. If a local government requests additional information
357 from the applicant and the applicant submits the requested
358 additional information to the local government, the local
359 government must, within 5 calendar days after receiving such
360 information unless the applicant waived the local government's
361 time limitation in writing, determine that the application is
362 complete and:

363 a. Approve the application;
364 b. Approve the application with conditions; or
365 c. Deny the application and provide the applicant with
366 sufficient reason for such denial.

367 5. If a local government does not notify the applicant
368 that the application is approved, approved with conditions, or
369 denied within 5 calendar days after the local government
370 receives the additional information requested under subparagraph
371 4., the application is deemed approved.

372 6. If an owner or contractor retains a private provider
373 for purposes of plans review, the timeframes in subparagraphs
374 2., 4., and 5. are reduced to 3 calendar days.

375 (f) A building permit for a single-family residential

dwelling applied for by a contractor licensed in this state on behalf of a property owner who participates in a Community Development Block Grant-Disaster Recovery program administered by the Department of Economic Opportunity must be issued within 9 calendar days after receipt of the application unless the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances.

~~(g)(e)~~ If a local government fails to meet a deadline under this subsection ~~provided in paragraphs (a) and (b)~~, it must reduce the building permit fee by 10 percent for each ~~calendar business~~ day that it fails to meet the deadline, unless the parties agree in writing to a reasonable extension of time. Each 10-percent reduction shall be based on the original amount of the building permit fee, unless the parties agree to an extension of time.

(h) A building permit issued for a single-family residential dwelling is valid indefinitely but must comply with any changes to the Florida Building Code or a local government's rules or ordinances that are made after the issuance of the building permit.

(2)(a) The procedures set forth in subsection (1) apply to the following building permit applications: accessory structure; alarm permit; nonresidential buildings less than 25,000 square feet; electric; irrigation permit; landscaping; mechanical; plumbing; residential units including a single-family

401 residential ~~other than a single-family unit or a single-family~~
402 residential dwelling; multifamily residential not exceeding 50
403 units; roofing; signs; site-plan approvals and subdivision plats
404 not requiring public hearings or public notice; and lot grading
405 and site alteration associated with the permit application set
406 forth in this subsection. The procedures set forth in subsection
407 (1) do not apply to permits for any wireless communications
408 facilities ~~or when a law, agency rule, or local ordinance~~
409 ~~specify different timeframes for review of local building permit~~
410 ~~applications.~~

411 (b) ~~If A local government must meet has different~~
412 ~~timeframes than the timeframes set forth in subsection (1) for~~
413 ~~reviewing building permit applications described in paragraph~~
414 (a) unless the timeframes set, the local government must meet
415 the deadlines established by local ordinance are more stringent
416 than those prescribed in subsection (1). ~~If a local government~~
417 ~~does not meet an established deadline to approve, approve with~~
418 ~~conditions, or deny an application, it must reduce the building~~
419 ~~permit fee by 10 percent for each business day that it fails to~~
420 ~~meet the deadline. Each 10-percent reduction shall be based on~~
421 ~~the original amount of the building permit fee, unless the~~
422 ~~parties agree to an extension of time. This paragraph does not~~
423 ~~apply to permits for any wireless communications facilities.~~

424 (4) (a) Upon request by an applicant, the local government
425 must issue no less than 50 percent of the permits for the

426 dwellings to be built, but not occupied, in the applicant's
427 residential community, so long as the developer or owner meets
428 all of the requirements in s. 177.073(6). The permit application
429 must also meet the requirements under the Florida Building Code.

430 (b) An applicant may contract to sell, but may not
431 transfer ownership of, a residential structure or building
432 located in the residential subdivision until the final plat is
433 approved by the governing body and recorded in the public
434 records by the clerk of the circuit court.

435 Section 5. Section 440.103, Florida Statutes, is amended
436 to read:

437 440.103 Building permits; identification of minimum
438 premium policy.—Every employer shall, as a condition to applying
439 for and receiving a building permit, show proof and certify to
440 the permit issuer that it has secured compensation for its
441 employees under this chapter as provided in ss. 440.10 and
442 440.38. Such proof of compensation must be evidenced by a
443 certificate of coverage issued by the carrier, a valid exemption
444 certificate approved by the department, or a copy of the
445 employer's authority to self-insure and shall be presented,
446 electronically or physically, each time the employer applies for
447 a building permit. As provided in s. 553.79(23) ~~s. 553.79(24)~~,
448 for the purpose of inspection and record retention, site plans
449 or building permits may be maintained at the worksite in the
450 original form or in the form of an electronic copy. These plans

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451 and permits must be open to inspection by the building official
452 or a duly authorized representative, as required by the Florida
453 Building Code. As provided in s. 627.413(5), each certificate of
454 coverage must show, on its face, whether or not coverage is
455 secured under the minimum premium provisions of rules adopted by
456 rating organizations licensed pursuant to s. 627.221. The words
457 "minimum premium policy" or equivalent language shall be typed,
458 printed, stamped, or legibly handwritten.

459 Section 6. This act shall take effect July 1, 2024.