

1 A bill to be entitled
2 An act relating to building regulations; creating s.
3 177.073, F.S.; providing definitions; requiring
4 certain governing bodies, by a date certain, to create
5 a program to expedite the process for issuing
6 residential building permits before a final plat is
7 recorded; requiring the expedited process to include a
8 certain application; requiring certain governing
9 bodies to update its program in a specified manner;
10 requiring a governing body to create certain processes
11 for purposes of the program; authorizing applicants to
12 use a private provider for certain reviews;
13 authorizing a governing body to issue addresses and
14 temporary parcel identification numbers for specified
15 purposes; requiring a governing body to issue a
16 specified number or percentage of building permits
17 requested in an application when certain conditions
18 are met; setting forth certain conditions for
19 applicants who apply to the program; providing that an
20 applicant has a vested right in an approved
21 preliminary plat when certain conditions are met;
22 prohibiting a governing body from making substantive
23 changes to a preliminary plat without written consent;
24 requiring an applicant to indemnify and hold harmless
25 certain entities and persons; providing an exception;

26 | amending s. 553.79, F.S.; removing provisions relating
27 | to acquiring building permits for certain residential
28 | dwellings; amending s. 553.792, F.S.; revising the
29 | timeframes for approving, approving with conditions,
30 | or denying certain building permits; requiring local
31 | governments to follow the prescribed timeframes unless
32 | a local ordinance is more stringent; requiring a local
33 | government to provide written notice to an applicant
34 | under certain circumstances; revising how many times a
35 | local government may request additional information
36 | from an applicant; specifying when a permit
37 | application is deemed complete and approved; requiring
38 | the opportunity for an in-person or virtual meeting
39 | before a second request for additional information may
40 | be made; requiring a local government to process an
41 | application within a specified timeframe without
42 | additional information upon written request by the
43 | applicant; reducing permit fees by a certain
44 | percentage if certain timeframes are not met;
45 | providing construction; conforming provisions to
46 | changes made by the act; amending s. 553.80, F.S.;
47 | authorizing local governments to use certain fees for
48 | certain technology upgrades; amending s. 440.103,
49 | F.S.; conforming a cross-reference; providing an
50 | 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) "Applicant" means a homebuilder or developer who files an application with the local governing body to identify the percentage of planned homes, or the number of building permits, that the local governing body must issue for a residential subdivision or planned community.

(b) "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.

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

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

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

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

78 (2)(a) By August 15, 2024, the governing body of a county
79 that has 75,000 residents or more and the governing body of a
80 municipality that has 30,000 residents or more shall create a
81 program to expedite the process for issuing building permits for
82 residential subdivisions or planned communities in accordance
83 with the Florida Building Code and this section before a final
84 plat is recorded with the clerk of the circuit court. The
85 expedited process must include an application for an applicant
86 to identify the percentage of planned homes, not to exceed 50
87 percent of the residential subdivision or planned community, or
88 the number of building permits that the governing body must
89 issue for the residential subdivision or planned community. This
90 paragraph does not restrict the governing body from issuing more
91 than 50 percent of the building permits for the residential
92 subdivision or planned community.

93 (b) A governing body that had a program in place before
94 July 1, 2023, to expedite the building permit process, need only
95 update their program to approve an applicant's written
96 application to issue up to 50 percent of the building permits
97 for the residential subdivision or planned community in order to
98 comply with this section. This paragraph does not restrict a
99 governing body from issuing more than 50 percent of the building
100 permits for the residential subdivision or planned community.

101 (c) By December 31, 2027, the governing body of a county
102 that has 75,000 residents or more and the governing body of a
103 municipality that has 30,000 residents or more shall update its
104 program to expedite the process for issuing building permits for
105 residential subdivisions or planned communities in accordance
106 with the Florida Building Code and this section before a final
107 plat is recorded with the clerk of the circuit court. The
108 expedited process must include an application for an applicant
109 to identify the percentage of planned homes, not to exceed 75
110 percent of the residential subdivision or planned community, or
111 the number of building permits that the governing body must
112 issue for the residential subdivision or planned community. This
113 paragraph does not restrict the governing body from issuing more
114 than 75 percent of the building permits for the residential
115 subdivision or planned community.

116 (3) A governing body shall create:

117 (a) A two-step application process for the adoption of a
118 preliminary plat and for a final plat in order to expedite the
119 issuance of building permits under this section. The application
120 must allow an applicant to identify the percentage of planned
121 homes or the number of building permits that the governing body
122 must issue for the residential subdivision or planned community.

123 (b) A master building permit process consistent with s.
124 553.794(3) for applicants seeking multiple building permits for
125 residential subdivisions or planned communities. For purposes of

126 this paragraph, a master building permit is valid for 3
127 consecutive years after its issuance or until the adoption of a
128 new Florida Building Code, whichever is earlier. After a new
129 Florida Building Code is adopted, the applicant may apply for a
130 new master building permit, which, upon approval, is valid for 3
131 consecutive years.

132 (4) An applicant may use a private provider consistent
133 with s. 553.791 to review a preliminary plat and to obtain a
134 building permit for each residential building or structure.

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

139 (6) The governing body must issue the number or percentage
140 of building permits requested by an applicant in accordance with
141 the Florida Building Code and this section, provided the
142 residential buildings or structures are unoccupied and all of
143 the following conditions are met:

144 (a) The governing body has approved a preliminary plat for
145 each residential subdivision or planned community.

146 (b) The applicant provides proof to the governing body
147 that the applicant has provided a copy of the approved
148 preliminary plat, along with the approved plans, to the relevant
149 electric, water, and wastewater utilities.

150 (c) The applicant holds a valid performance bond for up to

151 130 percent of the necessary utilities, roads, and stormwater
152 improvements that have not been completed upon submission of the
153 application under this section. For purposes of a master planned
154 community as defined in s. 163.3202(5)(b), a valid performance
155 bond is required on a phase-by-phase basis.

156 (7)(a) An applicant may contract to sell, but may not
157 transfer ownership of, a residential structure or building
158 located in the residential subdivision or planned community
159 until the final plat is approved by the governing body and
160 recorded in the public records by the clerk of the circuit
161 court.

162 (b) An applicant may not obtain a final certificate of
163 occupancy for each residential structure or building for which a
164 building permit is issued until the final plat is approved by
165 the governing body and recorded in the public records by the
166 clerk of the circuit court.

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

170 (a) The applicant relies in good faith on the approved
171 preliminary plat or any amendments thereto.

172 (b) The applicant commences and is continuing in good
173 faith with the development of the property.

174 (9) Upon the establishment of an applicant's vested rights
175 in accordance with subsection (8), a governing body may not make

substantive changes to the preliminary plat without the
applicant's written consent.

(10) An applicant must indemnify and hold harmless the governing body and its agents and employees from damages accruing and directly related to the issuance of a building permit for a residential building or structure located in the residential subdivision or planned community before the approval and recording of the final plat by the governing body. This includes damage resulting from fire, flood, construction defects, and bodily injury, but excludes the infringement of vested rights.

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

553.79 Permits; applications; issuance; inspections.—

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

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

201 ~~permit fee.~~

202 ~~(b) A local enforcement agency does not have to reduce the~~
203 ~~building permit fee if it provides written notice to the~~
204 ~~applicant, by e-mail or United States Postal Service, within 30~~
205 ~~business days after receiving the permit application, that~~
206 ~~specifically states the reasons the permit application fails to~~
207 ~~satisfy the Florida Building Code or the enforcing agency's laws~~
208 ~~or ordinances. The written notice must also state that the~~
209 ~~applicant has 10 business days after receiving the written~~
210 ~~notice to submit revisions to correct the permit application and~~
211 ~~that failure to correct the application within 10 business days~~
212 ~~will result in a denial of the application.~~

213 ~~(c) The applicant has 10 business days after receiving the~~
214 ~~written notice to address the reasons specified by the local~~
215 ~~enforcement agency and submit revisions to correct the permit~~
216 ~~application. If the applicant submits revisions within 10~~
217 ~~business days after receiving the written notice, the local~~
218 ~~enforcement agency has 10 business days after receiving such~~
219 ~~revisions to approve or deny the building permit unless the~~
220 ~~applicant agrees to a longer period in writing. If the local~~
221 ~~enforcement agency fails to issue or deny the building permit~~
222 ~~within 10 business days after receiving the revisions, it must~~
223 ~~reduce the building permit fee by 20 percent for the first~~
224 ~~business day that it fails to meet the deadline unless the~~
225 ~~applicant agrees to a longer period in writing. For each~~

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~~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. 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) A local government must approve, approve with conditions, or deny a building permit application after receipt of a completed and sufficient application within the following timeframes, unless the applicant waives such timeframes in

251 writing:

252 1. For an applicant using a local government plans
253 reviewer to obtain a building permit, within 30 business days
254 after receiving a complete and sufficient application.

255 2. For an applicant using a private provider consistent
256 with s. 553.791 to obtain a building permit, within 15 business
257 days after receiving a complete and sufficient application.

258 3. For an applicant for a master plan permit, within 10
259 business days after receiving a complete and sufficient
260 application.

261 4. For an applicant for a single-family residential
262 dwelling applied for by a contractor licensed in this state on
263 behalf of a property owner who participates in a Community
264 Development Block Grant-Disaster Recovery program administered
265 by the Department of Commerce, within 10 business days after
266 receipt of the application unless the permit application fails
267 to satisfy the Florida Building Code or the enforcing agency's
268 laws or ordinances.

269
270 If the local government does not approve, approve with
271 conditions, or deny the completed and sufficient application
272 within the required timeframes in this paragraph, the
273 application is deemed or determined to be approved.

274 (b) A local government must meet the timeframes set forth
275 in this section for reviewing building permit applications

276 unless the timeframes set by local ordinance are more stringent
277 than those prescribed in this section.

278 (c) After ~~Within 10 days of~~ an applicant submits
279 ~~submitting~~ an application to the local government, the local
280 government must provide written notice to the applicant within 5
281 business days after receipt of the application advising ~~shall~~
282 ~~advise~~ the applicant what information, if any, is needed to deem
283 or determine that the application is properly completed in
284 compliance with the filing requirements published by the local
285 government. If the local government does not provide timely
286 written notice that the applicant has not submitted a ~~the~~
287 properly completed application, the application is ~~shall be~~
288 automatically deemed or determined to be properly completed and
289 accepted.

290 (d)1. Within 10 business ~~45~~ days after receiving a
291 completed application, a local government must provide written
292 notice to ~~notify~~ an applicant if additional information is
293 required for the local government to determine the sufficiency
294 of the application, and the notice must ~~shall~~ specify the
295 additional information that is required. The applicant may ~~must~~
296 submit the additional information to the local government or
297 request that the local government act without the additional
298 information. When reviewing an application for a building
299 permit, a local government may not request additional
300 information from the applicant more than two times unless the

301 applicant waives such limitation in writing. The local
302 government's second request for information must be made within
303 10 business days after the local government receives the
304 additional information indicated in the first request. The local
305 government must determine the sufficiency of the application
306 within 10 business days after receiving the additional
307 information from a second request. If the local government does
308 not provide to the applicant timely written notice that the
309 applicant must submit additional information to determine
310 whether the application is sufficient, the application is
311 automatically deemed or determined to be sufficient.

312 2. Before a second request for additional information may
313 be made, the local government must offer the applicant an
314 opportunity to meet in person or virtually with the local
315 government to attempt to resolve outstanding issues.

316 3. If an applicant believes a request for additional
317 information is not authorized by ordinance, rule, statute, or
318 other legal authority, the local government, at the applicant's
319 written request, must process the application within 10 business
320 days after receipt of such request and approve the application,
321 approve the application with conditions, or deny the application
322 and provide the applicant with sufficient reason for such
323 denial. While the applicant responds to the request for
324 additional information, the 120-day period described in this
325 subsection is tolled. Both parties may agree to a reasonable

~~request for an extension of time, particularly in the event of a force majeure or other extraordinary circumstance. The local government must approve, approve with conditions, or deny the application within 120 days following receipt of a completed application.~~

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

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

~~2. If a local government requests additional information from an 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 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~~
- ~~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.~~

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

357 ~~a. Determine if the application is properly completed;~~
358 ~~b. Approve the application;~~
359 ~~c. Approve the application with conditions;~~
360 ~~d. Deny the application; or~~
361 ~~e. Advise the applicant of information, if any, that is~~
362 ~~needed to deem the application properly completed or to~~
363 ~~determine the sufficiency of the application.~~

364 ~~4. Before a third request for additional information may~~
365 ~~be made, the applicant must be offered an opportunity to meet~~
366 ~~with the local government to attempt to resolve outstanding~~
367 ~~issues. If a local government makes a third request for~~
368 ~~additional information from the applicant and the applicant~~
369 ~~submits the requested additional information to the local~~
370 ~~government within 30 days after receiving the request, the local~~
371 ~~government must, within 10 days after receiving such information~~
372 ~~unless the applicant waived the local government's limitation in~~
373 ~~writing, determine that the application is complete and:~~

374 ~~a. Approve the application;~~
375 ~~b. Approve the application with conditions; or~~

376 ~~e. Deny the application.~~

377 ~~5. If the applicant believes the request for additional~~
378 ~~information is not authorized by ordinance, rule, statute, or~~
379 ~~other legal authority, the local government, at the applicant's~~
380 ~~request, must process the application and either approve the~~
381 ~~application, approve the application with conditions, or deny~~
382 ~~the application.~~

383 ~~(f)(e)~~ If a local government fails to meet a deadline
384 under this subsection ~~provided in paragraphs (a) and (b),~~ it
385 must reduce the building permit fee by 10 percent for each
386 business day that it fails to meet the deadline, unless the
387 parties agree in writing to a reasonable extension of time. Each
388 10-percent reduction shall be based on the original amount of
389 the building permit fee, unless the parties agree to an
390 extension of time.

391 ~~(2)(a)~~ The procedures set forth in subsection (1) apply to
392 the following building permit applications: accessory structure;
393 alarm permit; nonresidential buildings less than 25,000 square
394 feet; electric; irrigation permit; landscaping; mechanical;
395 plumbing; residential units including a single-family
396 residential ~~other than a single-family~~ unit or a single-family
397 residential dwelling; multifamily residential not exceeding 50
398 units; roofing; signs; site-plan approvals and subdivision plats
399 not requiring public hearings or public notice; and lot grading
400 and site alteration associated with the permit application set

401 forth in this subsection. The procedures set forth in subsection
402 (1) do not apply to permits for any wireless communications
403 facilities ~~or when a law, agency rule, or local ordinance~~
404 ~~specify different timeframes for review of local building permit~~
405 ~~applications.~~

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

418 Section 4. Paragraph (a) of subsection (7) of section
419 553.80, Florida Statutes, is amended to read:

420 553.80 Enforcement.—

421 (7)(a) The governing bodies of local governments may
422 provide a schedule of reasonable fees, as authorized by s.
423 125.56(2) or s. 166.222 and this section, for enforcing this
424 part. These fees, and any fines or investment earnings related
425 to the fees, may only ~~shall~~ be used ~~solely~~ for carrying out the

426 local government's responsibilities in enforcing the Florida
427 Building Code, including upgrading technology hardware and
428 software systems that are used in enforcement. When providing a
429 schedule of reasonable fees, the total estimated annual revenue
430 derived from fees, and the fines and investment earnings related
431 to the fees, may not exceed the total estimated annual costs of
432 allowable activities. Any unexpended balances must be carried
433 forward to future years for allowable activities or must be
434 refunded at the discretion of the local government. A local
435 government may not carry forward an amount exceeding the average
436 of its operating budget for enforcing the Florida Building Code
437 for the previous 4 fiscal years. For purposes of this
438 subsection, the term "operating budget" does not include reserve
439 amounts. Any amount exceeding this limit must be used as
440 authorized in subparagraph 2. However, a local government that
441 established, as of January 1, 2019, a Building Inspections Fund
442 Advisory Board consisting of five members from the construction
443 stakeholder community and carries an unexpended balance in
444 excess of the average of its operating budget for the previous 4
445 fiscal years may continue to carry such excess funds forward
446 upon the recommendation of the advisory board. The basis for a
447 fee structure for allowable activities must relate to the level
448 of service provided by the local government and must include
449 consideration for refunding fees due to reduced services based
450 on services provided as prescribed by s. 553.791, but not

provided by the local government. Fees charged must be consistently applied.

1. As used in this subsection, the phrase "enforcing the Florida Building Code" includes the direct costs and reasonable indirect costs associated with review of building plans, building inspections, reinspections, and building permit processing; building code enforcement; and fire inspections associated with new construction. The phrase may also include training costs associated with the enforcement of the Florida Building Code and enforcement action pertaining to unlicensed contractor activity to the extent not funded by other user fees.

2. A local government must use any excess funds that it is prohibited from carrying forward to rebate and reduce fees, or to pay for the construction of a building or structure that houses a local government's building code enforcement agency or the training programs for building officials, inspectors, or plans examiners associated with the enforcement of the Florida Building Code. Excess funds used to construct such a building or structure must be designated for such purpose by the local government and may not be carried forward for more than 4 consecutive years. An owner or builder who has a valid building permit issued by a local government for a fee, or an association of owners or builders located in the state that has members with valid building permits issued by a local government for a fee, may bring a civil action against the local government that

476 issued the permit for a fee to enforce this subparagraph.

477 3. The following activities may not be funded with fees
478 adopted for enforcing the Florida Building Code:

479 a. Planning and zoning or other general government
480 activities.

481 b. Inspections of public buildings for a reduced fee or no
482 fee.

483 c. Public information requests, community functions,
484 boards, and any program not directly related to enforcement of
485 the Florida Building Code.

486 d. Enforcement and implementation of any other local
487 ordinance, excluding validly adopted local amendments to the
488 Florida Building Code and excluding any local ordinance directly
489 related to enforcing the Florida Building Code as defined in
490 subparagraph 1.

491 4. A local government must use recognized management,
492 accounting, and oversight practices to ensure that fees, fines,
493 and investment earnings generated under this subsection are
494 maintained and allocated or used solely for the purposes
495 described in subparagraph 1.

496 5. The local enforcement agency, independent district, or
497 special district may not require at any time, including at the
498 time of application for a permit, the payment of any additional
499 fees, charges, or expenses associated with:

500 a. Providing proof of licensure under chapter 489;

b. Recording or filing a license issued under this chapter;

c. Providing, recording, or filing evidence of workers' compensation insurance coverage as required by chapter 440; or

d. Charging surcharges or other similar fees not directly related to enforcing the Florida Building Code.

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

440.103 Building permits; identification of minimum premium policy.—Every employer shall, as a condition to applying for and receiving a building permit, show proof and certify to the permit issuer that it has secured compensation for its employees under this chapter as provided in ss. 440.10 and 440.38. Such proof of compensation must be evidenced by a certificate of coverage issued by the carrier, a valid exemption certificate approved by the department, or a copy of the employer's authority to self-insure and shall be presented, electronically or physically, each time the employer applies for a building permit. As provided in s. 553.79(23) ~~s. 553.79(24)~~, for the purpose of inspection and record retention, site plans or building permits may be maintained at the worksite in the original form or in the form of an electronic copy. These plans and permits must be open to inspection by the building official or a duly authorized representative, as required by the Florida Building Code. As provided in s. 627.413(5), each certificate of

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coverage must show, on its face, whether or not coverage is secured under the minimum premium provisions of rules adopted by rating organizations licensed pursuant to s. 627.221. The words "minimum premium policy" or equivalent language shall be typed, printed, stamped, or legibly handwritten.

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