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; requiring a governing body to create certain processes 10 11 for purposes of the program; authorizing applicants to use a private provider for certain reviews; 12 13 authorizing a governing body to issue addresses and temporary parcel identification numbers for specified 14 purposes; requiring a governing body to issue a 15 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 applicant has a vested right in an approved 20 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 certain entities and persons; providing an exception; 25

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2.6 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, or denying certain building permits; requiring local 30 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 local government may request additional information 35 36 from an applicant; specifying when a permit application is deemed complete and approved; requiring 37 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 changes made by the act; amending s. 553.80, F.S.; 46 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 effective date. 50

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51	
52	Be It Enacted by the Legislature of the State of Florida:
53	
54	Section 1. Section 177.073, Florida Statutes, is created
55	to read:
56	177.073 Expedited approval of residential building permits
57	before a final plat is recorded.—
58	(1) As used in this section, the term:
59	(a) "Applicant" means a homebuilder or developer who files
60	an application with the local governing body to identify the
61	percentage of planned homes, or the number of building permits,
62	that the local governing body must issue for a residential
63	subdivision or planned community.
64	(b) "Final plat" means the final tracing, map, or site
65	plan presented by the subdivider to a governing body for final
66	approval, and, upon approval by the appropriate governing body,
67	is submitted to the clerk of the circuit court for recording.
68	(c) "Local building official" has the same meaning as in
69	<u>s. 553.791(1).</u>
70	(d) "Plans" means any building plans, construction plans,
71	engineering plans, or site plans, or their functional
72	equivalent, submitted by an applicant for a building permit.
73	(e) "Preliminary plat" means a map or delineated
74	representation of the subdivision of lands that is a complete
75	and exact representation of the residential subdivision or

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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.
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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 expedited process must include an application for an applicant 108 109 to identify the percentage of planned homes, not to exceed 75 110 percent of the residential subdivision or planned community, or the number of building permits that the governing body must 111 112 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 homes or the number of building permits that the governing body 121 122 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

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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 The governing body has approved a preliminary plat for (a) 145 each residential subdivision or planned community. (b) The applicant provides proof to the governing body 146 147 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

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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

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176 substantive changes to the preliminary plat without the 177 applicant's written consent. 178 (10) An applicant must indemnify and hold harmless the 179 governing body and its agents and employees from damages 180 accruing and directly related to the issuance of a building 181 permit for a residential building or structure located in the 182 residential subdivision or planned community before the approval 183 and recording of the final plat by the governing body. This 184 includes damage resulting from fire, flood, construction 185 defects, and bodily injury, but excludes the infringement of 186 vested rights. 187 Section 2. Subsection (16) of section 553.79, Florida 188 Statutes, is amended to read: 553.79 Permits; applications; issuance; inspections.-189 190 (16) Except as provided in paragraph (c), a building 191 permit for a single-family residential dwelling must be issued 192 within 30 business days after receiving the permit application 193 unless the permit application fails to satisfy the Florida 194 Building Code or the enforcing agency's laws or ordinances 195 (a) If a local enforcement agency fails to issue a 196 building permit for a single-family residential dwelling within 197 30 business days after receiving the permit application, it must 198 reduce the building permit fee by 10 percent for each business 199 day that it fails to meet the deadline. Each 10-percent 200 reduction shall be based on the original amount of the building

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201	<del>permit fee.</del>
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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226 additional business day, but not to exceed 5 business days, that 227 the local enforcement agency fails to meet the deadline, the 228 building permit fee must be reduced by an additional 10 percent. 229 Each reduction shall be based on the original amount of the 230 building permit fee. 231 (d) If any building permit fees are refunded under this 232 subsection, the surcharges provided in s. 468.631 or s. 553.721 233 must be recalculated based on the amount of the building permit 234 fees after the refund. 235 (c) A building permit for a single-family residential 236 dwelling applied for by a contractor licensed in this state on 237 behalf of a property owner who participates in a Community 238 Development Block Grant-Disaster Recovery program administered 239 by the Department of Economic Opportunity must be issued within 240 15 working days after receipt of the application unless the 241 permit application fails to satisfy the Florida Building Code or 242 the enforcing agency's laws or ordinances. 243 Section 3. Subsections (1) and (2) of section 553.792, 244 Florida Statutes, are amended and subsection (4) is added to 245 that section, to read: 246 553.792 Building permit application to local government.-247 (1) (a) A local government must approve, approve with 248 conditions, or deny a building permit application after receipt 249 of a completed and sufficient application within the following timeframes, unless the applicant waives such timeframes in 250

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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

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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 information from the applicant more than two times unless the 300

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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
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326	request for an extension of time, particularly in the event of a
327	force majeure or other extraordinary circumstance. The local
328	government must approve, approve with conditions, or deny the
329	application within 120 days following receipt of a completed
330	application.
331	(e) A local government shall maintain on its website a
332	policy containing procedures and expectations for expedited
333	processing of those building permits and development orders
334	required by law to be expedited.
335	(b)1. When reviewing an application for a building permit,
336	a local government may not request additional information from
337	the applicant more than three times, unless the applicant waives
338	such limitation in writing.
339	2. If a local government requests additional information
340	from an applicant and the applicant submits the requested
341	additional information to the local government within 30 days
342	after receiving the request, the local government must, within
343	15 days after receiving such information:
344	a. Determine if the application is properly completed;
345	b. Approve the application;
346	c. Approve the application with conditions;
347	d. Deny the application; or
348	e. Advise the applicant of information, if any, that is
349	needed to deem the application properly completed or to
350	determine the sufficiency of the application.
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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
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376 c. 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) (c) 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 business day that it fails to meet the deadline, unless the 386 387 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) (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 residential other than a single family unit or a single-family 396 397 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 and site alteration associated with the permit application set 400

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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.-

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

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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 forward to future years for allowable activities or must be 433 434 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 subsection, the term "operating budget" does not include reserve 438 439 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 fee structure for allowable activities must relate to the level 447 448 of service provided by the local government and must include 449 consideration for refunding fees due to reduced services based on services provided as prescribed by s. 553.791, but not 450

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451 provided by the local government. Fees charged must be 452 consistently applied.

453 1. As used in this subsection, the phrase "enforcing the 454 Florida Building Code" includes the direct costs and reasonable 455 indirect costs associated with review of building plans, 456 building inspections, reinspections, and building permit 457 processing; building code enforcement; and fire inspections 458 associated with new construction. The phrase may also include 459 training costs associated with the enforcement of the Florida 460 Building Code and enforcement action pertaining to unlicensed 461 contractor activity to the extent not funded by other user fees.

462 2. A local government must use any excess funds that it is 463 prohibited from carrying forward to rebate and reduce fees, or 464 to pay for the construction of a building or structure that 465 houses a local government's building code enforcement agency or 466 the training programs for building officials, inspectors, or 467 plans examiners associated with the enforcement of the Florida 468 Building Code. Excess funds used to construct such a building or 469 structure must be designated for such purpose by the local 470 government and may not be carried forward for more than 4 471 consecutive years. An owner or builder who has a valid building 472 permit issued by a local government for a fee, or an association 473 of owners or builders located in the state that has members with 474 valid building permits issued by a local government for a fee, 475 may bring a civil action against the local government that

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476 issued the permit for a fee to enforce this subparagraph. 477 The following activities may not be funded with fees 3. 478 adopted for enforcing the Florida Building Code: 479 a. Planning and zoning or other general government 480 activities. 481 Inspections of public buildings for a reduced fee or no b. 482 fee. 483 Public information requests, community functions, с. 484 boards, and any program not directly related to enforcement of 485 the Florida Building Code. Enforcement and implementation of any other local 486 d. 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. The local enforcement agency, independent district, or 496 5. 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 Providing proof of licensure under chapter 489; a.

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501 Recording or filing a license issued under this b. 502 chapter; 503 Providing, recording, or filing evidence of workers' с. 504 compensation insurance coverage as required by chapter 440; or 505 Charging surcharges or other similar fees not directly d. 506 related to enforcing the Florida Building Code. 507 Section 5. Section 440.103, Florida Statutes, is amended 508 to read: 509 440.103 Building permits; identification of minimum 510 premium policy.-Every employer shall, as a condition to applying 511 for and receiving a building permit, show proof and certify to 512 the permit issuer that it has secured compensation for its 513 employees under this chapter as provided in ss. 440.10 and 514 440.38. Such proof of compensation must be evidenced by a 515 certificate of coverage issued by the carrier, a valid exemption 516 certificate approved by the department, or a copy of the 517 employer's authority to self-insure and shall be presented, 518 electronically or physically, each time the employer applies for 519 a building permit. As provided in s. 553.79(23) s. 553.79(24), 520 for the purpose of inspection and record retention, site plans 521 or building permits may be maintained at the worksite in the original form or in the form of an electronic copy. These plans 522 523 and permits must be open to inspection by the building official 524 or a duly authorized representative, as required by the Florida 525 Building Code. As provided in s. 627.413(5), each certificate of

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526 coverage must show, on its face, whether or not coverage is 527 secured under the minimum premium provisions of rules adopted by 528 rating organizations licensed pursuant to s. 627.221. The words 529 "minimum premium policy" or equivalent language shall be typed, 530 printed, stamped, or legibly handwritten.

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

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