

By Senator Bennett

21-1516-07

1 A bill to be entitled
2 An act relating to the permitting of
3 development by counties; amending s. 125.022,
4 F.S.; prohibiting a county from requiring that
5 an applicant for a development permit under the
6 Local Government Comprehensive Planning and
7 Land Development Regulation Act secure a
8 federal authorization that is not required by
9 federal law; providing for joinder of an agency
10 that issued a statement, policy, or guidance in
11 an administrative proceeding to review county
12 action on an application for a development
13 permit which is based on the issuance;
14 providing an effective date.

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

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18 Section 1. Section 125.022, Florida Statutes, is
19 amended to read:

20 125.022 Development permits.--When a county denies an
21 application for a development permit, the county shall give
22 written notice to the applicant. The notice must include a
23 citation to the applicable portions of an ordinance, rule,
24 statute, or other legal authority for the denial of the
25 permit. A county may not require as a condition of approval
26 for a development permit that an applicant obtain a permit or
27 approval for a construction or operation activity from a
28 federal agency if federal law does not require such permit or
29 approval. If a statement, policy, or guideline issued by an
30 agency other than the county forms the basis for the county's
31 denial or condition of approval of a development permit, the

1 agency responsible for such issuance shall, for the purpose of
2 determining the validity of the statement, policy, or
3 guideline, be joined as a party to an administrative
4 proceeding under chapter 120 to review the county's condition
5 of approval or denial of the permit if a party to the hearing
6 files a petition for such joinder. As used in this section,
7 the term "development permit" has the same meaning as in s.
8 163.3164.

9 Section 2. This act shall take effect July 1, 2007.

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12 SENATE SUMMARY

13 Prohibits counties from requiring that an applicant for a
14 development permit under the Local Government
15 Comprehensive Planning and Land Development Regulation
16 Act secure a federal authorization that is not required
17 by federal law. Provides for joinder of an agency that
18 issues a statement, policy, or guidance in an
19 administrative proceeding to review county action on an
20 application for a development permit which is based on
21 the issuance.
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