



545632

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/09/2013	.	
	.	
	.	
	.	

---

---

The Committee on Community Affairs (Latvala) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

125.022 Development permits.—When a county denies an  
application for a development permit, the county shall give  
written notice to the applicant. The notice must include a  
citation to the applicable portions of an ordinance, rule,  
statute, or other legal authority for the denial of the permit.  
As used in this section, the term “development permit” has the



545632

13 same meaning as in s. 163.3164. For any development permit  
14 application filed with the county after July 1, 2012, a county  
15 may not require as a condition of processing or issuing a  
16 development permit that an applicant obtain a permit or approval  
17 from any state or federal agency unless the agency has issued a  
18 final agency action that denies the federal or state permit  
19 before the county action on the local development permit.  
20 Issuance of a development permit by a county does not in any way  
21 create any rights on the part of the applicant to obtain a  
22 permit from a state or federal agency and does not create any  
23 liability on the part of the county for issuance of the permit  
24 if the applicant fails to obtain requisite approvals or fulfill  
25 the obligations imposed by a state or federal agency or  
26 undertakes actions that result in a violation of state or  
27 federal law. A county shall ~~may~~ attach such a disclaimer to the  
28 issuance of a development permit and shall ~~may~~ include a permit  
29 condition that all other applicable state or federal permits be  
30 obtained before commencement of the development. This section  
31 does not prohibit a county from providing information to an  
32 applicant regarding what other state or federal permits may  
33 apply.

34 Section 2. Section 166.033, Florida Statutes, is amended to  
35 read:

36 166.033 Development permits.—When a municipality denies an  
37 application for a development permit, the municipality shall  
38 give written notice to the applicant. The notice must include a  
39 citation to the applicable portions of an ordinance, rule,  
40 statute, or other legal authority for the denial of the permit.  
41 As used in this section, the term “development permit” has the



545632

42 same meaning as in s. 163.3164. For any development permit  
43 application filed with the municipality after July 1, 2012, a  
44 municipality may not require as a condition of processing or  
45 issuing a development permit that an applicant obtain a permit  
46 or approval from any state or federal agency unless the agency  
47 has issued a final agency action that denies the federal or  
48 state permit before the municipal action on the local  
49 development permit. Issuance of a development permit by a  
50 municipality does not in any way create any right on the part of  
51 an applicant to obtain a permit from a state or federal agency  
52 and does not create any liability on the part of the  
53 municipality for issuance of the permit if the applicant fails  
54 to obtain requisite approvals or fulfill the obligations imposed  
55 by a state or federal agency or undertakes actions that result  
56 in a violation of state or federal law. A municipality shall ~~may~~  
57 attach such a disclaimer to the issuance of development permits  
58 and shall ~~may~~ include a permit condition that all other  
59 applicable state or federal permits be obtained before  
60 commencement of the development. This section does not prohibit  
61 a municipality from providing information to an applicant  
62 regarding what other state or federal permits may apply.

63 Section 3. This act shall take effect July 1, 2013.

64  
65  
66 ===== T I T L E A M E N D M E N T =====

67 And the title is amended as follows:

68 Delete everything before the enacting clause  
69 and insert:

70 A bill to be entitled



545632

71           An act relating to development permits; amending ss.  
72 125.022 and 166.033, F.S.; requiring counties and municipalities  
73 to attach certain disclaimers and include certain permit  
74 conditions when issuing development permits; providing an  
75 effective date.