

By the Committee on Military and Veterans Affairs, Space, and Domestic Security

583-03411-13

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1 A bill to be entitled
2 An act relating to development permits; amending ss.
3 125.022 and 166.033, F.S.; requiring counties and
4 municipalities to attach certain disclaimers and
5 include certain permit conditions when issuing
6 development permits; requiring counties and
7 municipalities to demonstrate that applicable permits
8 have been obtained prior to development in mapped
9 flood hazard areas; providing an effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Section 125.022, Florida Statutes, is amended to
14 read:

15 125.022 Development permits.—When a county denies an
16 application for a development permit, the county shall give
17 written notice to the applicant. The notice must include a
18 citation to the applicable portions of an ordinance, rule,
19 statute, or other legal authority for the denial of the permit.
20 As used in this section, the term "development permit" has the
21 same meaning as in s. 163.3164. For any development permit
22 application filed with the county after July 1, 2012, a county
23 may not require as a condition of processing or issuing a
24 development permit that an applicant obtain a permit or approval
25 from any state or federal agency unless the agency has issued a
26 final agency action that denies the federal or state permit
27 before the county action on the local development permit.
28 Issuance of a development permit by a county does not in any way
29 create any rights on the part of the applicant to obtain a

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30 permit from a state or federal agency and does not create any
31 liability on the part of the county for issuance of the permit
32 if the applicant fails to obtain requisite approvals or fulfill
33 the obligations imposed by a state or federal agency or
34 undertakes actions that result in a violation of state or
35 federal law. A county shall ~~may~~ attach such a disclaimer to the
36 issuance of a development permit and shall ~~may~~ include a permit
37 condition that all other applicable state or federal permits be
38 obtained before commencement of the development. For development
39 in mapped flood hazard areas, the county must demonstrate that
40 all other applicable state and federal permits have been
41 obtained before the commencement of the development. This
42 section does not prohibit a county from providing information to
43 an applicant regarding what other state or federal permits may
44 apply.

45 Section 2. Section 166.033, Florida Statutes, is amended to
46 read:

47 166.033 Development permits.—When a municipality denies an
48 application for a development permit, the municipality shall
49 give written notice to the applicant. The notice must include a
50 citation to the applicable portions of an ordinance, rule,
51 statute, or other legal authority for the denial of the permit.
52 As used in this section, the term "development permit" has the
53 same meaning as in s. 163.3164. For any development permit
54 application filed with the municipality after July 1, 2012, a
55 municipality may not require as a condition of processing or
56 issuing a development permit that an applicant obtain a permit
57 or approval from any state or federal agency unless the agency
58 has issued a final agency action that denies the federal or

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59 state permit before the municipal action on the local
60 development permit. Issuance of a development permit by a
61 municipality does not in any way create any right on the part of
62 an applicant to obtain a permit from a state or federal agency
63 and does not create any liability on the part of the
64 municipality for issuance of the permit if the applicant fails
65 to obtain requisite approvals or fulfill the obligations imposed
66 by a state or federal agency or undertakes actions that result
67 in a violation of state or federal law. A municipality shall ~~may~~
68 attach such a disclaimer to the issuance of development permits
69 and shall ~~may~~ include a permit condition that all other
70 applicable state or federal permits be obtained before
71 commencement of the development. For development in mapped flood
72 hazard areas, the municipality must demonstrate that all other
73 applicable state and federal permits have been obtained before
74 the commencement of the development. This section does not
75 prohibit a municipality from providing information to an
76 applicant regarding what other state or federal permits may
77 apply.

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