

By the Committees on Community Affairs; and Military and Veterans Affairs, Space, and Domestic Security

578-04000-13

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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; amending chapter 2012-205, Laws
7 of Florida; revising the deadline for the holder of
8 certain permits to notify the authorizing agency of
9 automatic extension eligibility; providing an
10 effective date.

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

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

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

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

43 Section 2. Section 166.033, Florida Statutes, is amended to
44 read:

45 166.033 Development permits.—When a municipality denies an
46 application for a development permit, the municipality shall
47 give written notice to the applicant. The notice must include a
48 citation to the applicable portions of an ordinance, rule,
49 statute, or other legal authority for the denial of the permit.
50 As used in this section, the term "development permit" has the
51 same meaning as in s. 163.3164. For any development permit
52 application filed with the municipality after July 1, 2012, a
53 municipality may not require as a condition of processing or
54 issuing a development permit that an applicant obtain a permit
55 or approval from any state or federal agency unless the agency
56 has issued a final agency action that denies the federal or
57 state permit before the municipal action on the local
58 development permit. Issuance of a development permit by a

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

72 Section 3. Subsection (3) of section 24 of chapter 2012-
73 205, Laws of Florida, is amended to read:

74 Section 24. (3) The holder of a valid permit or other
75 authorization that is eligible for the 2-year extension must
76 notify the authorizing agency in writing by October 1, 2013
77 ~~December 31, 2012~~, identifying the specific authorization for
78 which the holder intends to use the extension and the
79 anticipated timeframe for acting on the authorization.

80 Section 4. This act shall take effect July 1, 2013.