

CS/HB 7019

2013

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 s. 32, ch. 2012-205,  
7 Laws of Florida, relating to the extension of certain  
8 permits and authorizations issued by the Department of  
9 Environmental Protection, water management districts,  
10 and local governments; revising the date by which  
11 holders of such permits and authorizations are  
12 required to notify the authorizing agency of specified  
13 information; providing an effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17 Section 1. Section 125.022, Florida Statutes, is amended  
18 to read:

19 125.022 Development permits.—When a county denies an  
20 application for a development permit, the county shall give  
21 written notice to the applicant. The notice must include a  
22 citation to the applicable portions of an ordinance, rule,  
23 statute, or other legal authority for the denial of the permit.  
24 As used in this section, the term "development permit" has the  
25 same meaning as in s. 163.3164. For any development permit  
26 application filed with the county after July 1, 2012, a county  
27 may not require as a condition of processing or issuing a  
28 development permit that an applicant obtain a permit or approval

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

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

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

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

75 |       Section 3. Subsection (3) of section 24 of chapter 2012-  
76 | 205, Laws of Florida, is amended to read:

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

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