

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

583-02939-13

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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:

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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.