

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Fischer offered the following:

**Amendment (with title amendment)**

Remove lines 92-245 and insert:

inclusionary housing ordinances. Except in the area designated in s. 380.0552, a county may not, however, adopt or impose a requirement in any form, including, without limitation, by way of a comprehensive plan amendment, ordinance, or land development regulation or as a condition of a development order or development permit, which has any of the following effects:

(a) Mandating or establishing a maximum sales price or lease rental for privately produced dwelling units;

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13        (b) Requiring the allocation or designation, whether  
14 directly or indirectly, of privately produced dwelling units for  
15 sale or rental to any particular class or group of purchasers or  
16 tenants; or

17        (c) Requiring the provision of any onsite or offsite  
18 workforce or affordable housing units or a contribution of land  
19 or money for such housing, including, but not limited to, the  
20 payment of any flat or percentage-based fee, whether calculated  
21 on the basis of the number of approved dwelling units, the  
22 amount of approved square footage, or otherwise.

23        (2) This section does not limit the authority of a county  
24 to create or implement a voluntary density bonus program or any  
25 other voluntary incentive-based program designed to increase the  
26 supply of workforce or affordable housing units.

27        Section 2. Section 125.022, Florida Statutes, is amended  
28 to read:

29        125.022 Development permits and development orders.-

30        (1) Within 30 days after receiving an application for  
31 approval of a development permit or development order, a county  
32 must review the application for completeness and issue a letter  
33 indicating that all required information has been submitted or  
34 specifying with particularity any areas that are deficient. If  
35 the application is deficient, the applicant has 30 days to  
36 address the deficiencies by submitting the required additional  
37 information. Within 120 days after the county has deemed the

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38 application complete, or 180 days for applications that require  
39 final action through a quasi-judicial hearing or public hearing,  
40 the county must approve, approve with conditions, or deny the  
41 application for a development permit or development order. Both  
42 parties may agree to a reasonable request for an extension of  
43 time, particularly in the event of a force majeure or other  
44 extraordinary circumstance. An approval, approval with  
45 conditions, or denial of the application for a development  
46 permit or development order must include written findings  
47 supporting the county's decision. The timeframes contained in  
48 this subsection do not apply in an area of critical state  
49 concern, as designated in s. 380.0552.

50 (2)-(1) When reviewing an application for a development  
51 permit or development order that is certified by a professional  
52 listed in s. 403.0877, a county may not request additional  
53 information from the applicant more than three times, unless the  
54 applicant waives the limitation in writing. Before a third  
55 request for additional information, the applicant must be  
56 offered a meeting to attempt to resolve outstanding issues.  
57 Except as provided in subsection (5)-(4), if the applicant  
58 believes the request for additional information is not  
59 authorized by ordinance, rule, statute, or other legal  
60 authority, the county, at the applicant's request, shall proceed  
61 to process the application for approval or denial.

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62        ~~(3)-(2)~~ When a county denies an application for a  
63 development permit or development order, the county shall give  
64 written notice to the applicant. The notice must include a  
65 citation to the applicable portions of an ordinance, rule,  
66 statute, or other legal authority for the denial of the permit  
67 or order.

68        ~~(4)-(3)~~ As used in this section, the terms term  
69 "development permit" and "development order" have ~~has~~ the same  
70 meaning as in s. 163.3164, but do ~~does~~ not include building  
71 permits.

72        ~~(5)-(4)~~ For any development permit application filed with  
73 the county on or after July 1, 2012, a county may not require as  
74 a condition of processing or issuing a development permit or  
75 development order that an applicant obtain a permit or approval  
76 from any state or federal agency unless the agency has issued a  
77 final agency action that denies the federal or state permit  
78 before the county action on the local development permit.

79        ~~(6)-(5)~~ Issuance of a development permit or development  
80 order by a county does not in any way create any rights on the  
81 part of the applicant to obtain a permit from a state or federal  
82 agency and does not create any liability on the part of the  
83 county for issuance of the permit if the applicant fails to  
84 obtain requisite approvals or fulfill the obligations imposed by  
85 a state or federal agency or undertakes actions that result in a  
86 violation of state or federal law. A county shall attach such a

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87 disclaimer to the issuance of a development permit and shall  
88 include a permit condition that all other applicable state or  
89 federal permits be obtained before commencement of the  
90 development.

91 ~~(7)(6)~~ This section does not prohibit a county from  
92 providing information to an applicant regarding what other state  
93 or federal permits may apply.

94 Section 3. Section 166.033, Florida Statutes, is amended  
95 to read:

96 166.033 Development permits and development orders.-

97 (1) Within 30 days after receiving an application for  
98 approval of a development permit or development order, a  
99 municipality must review the application for completeness and  
100 issue a letter indicating that all required information has been  
101 submitted or specifying with particularity any areas that are  
102 deficient. If the application is deficient, the applicant has 30  
103 days to address the deficiencies by submitting the required  
104 additional information. Within 120 days after the municipality  
105 has deemed the application complete, or 180 days for  
106 applications that require final action through a quasi-judicial  
107 hearing or public hearing, the municipality must approve,  
108 approve with conditions, or deny the application for a  
109 development permit or development order. Both parties may agree  
110 to a reasonable request for an extension of time, particularly  
111 in the event of a force majeure or other extraordinary

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112 circumstance. An approval, approval with conditions, or denial  
113 of the application for a development permit or development order  
114 must include written findings supporting the municipality's  
115 decision. The timeframes contained in this subsection do not  
116 apply in an area of critical state concern, as designated in s.  
117 380.0552.

118 (2)-(1) When reviewing an application for a development  
119 permit or development order that is certified by a professional  
120 listed in s. 403.0877, a municipality may not request additional  
121 information from the applicant more than three times, unless the  
122 applicant waives the limitation in writing. Before a third  
123 request for additional information, the applicant must be  
124 offered a meeting to attempt to resolve outstanding issues.  
125 Except as provided in subsection (5)-(4), if the applicant  
126 believes the request for additional information is not  
127 authorized by ordinance, rule, statute, or other legal  
128 authority, the municipality, at the applicant's request, shall  
129 proceed to process the application for approval or denial.

130 (3)-(2) When a municipality denies an application for a  
131 development permit or development order, the municipality shall  
132 give written notice to the applicant. The notice must include a  
133 citation to the applicable portions of an ordinance, rule,  
134 statute, or other legal authority for the denial of the permit  
135 or order.

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136        ~~(4)(3)~~ As used in this section, the terms term  
137 "development permit" and "development order" ~~have has~~ the same  
138 meaning as in s. 163.3164, but do ~~does~~ not include building  
139 permits.

140        ~~(5)(4)~~ For any development permit application filed with  
141 the municipality on or after July 1, 2012, a municipality may  
142 not require as a condition of processing or issuing a  
143 development permit or development order that an applicant obtain  
144 a permit or approval from any state or federal agency unless the  
145 agency has issued a final agency action that denies the federal  
146 or state permit before the municipal action on the local  
147 development permit.

148        ~~(6)(5)~~ Issuance of a development permit or development  
149 order by a municipality does not in any way create any right on  
150 the part of an applicant to obtain a permit from a state or  
151 federal agency and does not create any liability on the part of  
152 the municipality for issuance of the permit if the applicant  
153 fails to obtain requisite approvals or fulfill the obligations  
154 imposed by a state or federal agency or undertakes actions that  
155 result in a violation of state or federal law. A municipality  
156 shall attach such a disclaimer to the issuance of development  
157 permits and shall include a permit condition that all other  
158 applicable state or federal permits be obtained before  
159 commencement of the development.

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160 (7)~~(6)~~ This section does not prohibit a municipality from  
161 providing information to an applicant regarding what other state  
162 or federal permits may apply.

163 Section 4. Section 166.04151, Florida Statutes, is amended  
164 to read:

165 166.04151 Affordable housing.—

166 (1) Notwithstanding any other provision of law, a  
167 municipality may adopt and maintain in effect any law,  
168 ordinance, rule, or other measure that is adopted for the  
169 purpose of increasing the supply of affordable housing using  
170 land use mechanisms such as inclusionary housing ordinances.  
171 Except in an area designated in s. 380.0552, or by chapter 28-  
172 36, Florida Administrative Code, a

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175 **T I T L E A M E N D M E N T**

176 Remove lines 6-26 and insert:  
177 providing an exception; providing construction;  
178 amending s. 125.022, F.S.; requiring that a county  
179 review certain applications for completeness and issue  
180 a certain letter within a specified time period after  
181 receiving an application for approval of a development  
182 permit or development order; providing procedures for  
183 addressing deficiencies in, and for approving or  
184 denying, the application; authorizing parties to

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185 request and extend the time periods; providing an  
186 exception to the required time periods; conforming  
187 provisions to changes made by the act; defining the  
188 term "development order"; amending s. 166.033, F.S.;  
189 requiring that a municipality review the application  
190 for completeness and issue a certain letter within a  
191 specified period after receiving an application for  
192 approval of a development permit or development order;  
193 providing procedures for addressing deficiencies in,  
194 and for approving or denying, the application;  
195 authorizing parties to request and extend the time  
196 periods; providing an exception to the required time  
197 periods; conforming provisions to changes made by the  
198 act; defining the term "development order"; amending  
199 s. 166.04151, F.S.; prohibiting a municipality from  
200 adopting or imposing a requirement in any form  
201 relating to affordable housing which has specified  
202 effects; providing an exception; providing  
203 construction;

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