



26 | which has specified effects; providing construction;  
27 | amending s. 166.045, F.S.; prohibiting a municipality  
28 | from purchasing specified real properties under  
29 | certain circumstances; amending s. 171.042, F.S.;  
30 | prohibiting a municipality from annexing specified  
31 | areas under certain circumstances; amending s.  
32 | 163.3167, F.S.; requiring certain comprehensive plans  
33 | to incorporate and comply with the terms of existing  
34 | development orders; amending s. 163.3202, F.S.;  
35 | requiring local land development regulations to  
36 | incorporate certain existing development orders;  
37 | amending s. 163.3180, F.S.; revising the requirements  
38 | for a valid mobility fee-based funding system;  
39 | requiring a local government to credit certain  
40 | contributions, constructions, expansions, or payments  
41 | toward any other impact fee or exaction imposed by  
42 | local ordinance for public educational facilities;  
43 | providing requirements for the basis of the credit;  
44 | amending s. 163.31801, F.S.; providing minimum  
45 | requirements to be satisfied by certain entities  
46 | before adopting an impact fee; requiring local  
47 | government to credit against the collection of impact  
48 | fees certain contributions related to public education  
49 | facilities; specifying the calculation; requiring a  
50 | local government to increase certain impact fee

51 credits previously awarded if it increases its impact  
52 fee rates; authorizing a county, municipality, or  
53 special district to provide certain exemptions or  
54 waivers of impact fees in certain circumstances;  
55 exempting water and sewer connection fees from the  
56 Florida Impact Fee Act; amending s. 163.3215, F.S.;  
57 specifying use of summary procedure in certain  
58 development order cases; amending s. 252.363, F.S.;  
59 revising the circumstances under which a state of  
60 emergency declaration tolls and extends the remaining  
61 period for certain permits and authorizations;  
62 amending s. 420.502, F.S.; providing legislative  
63 intent; amending s. 420.503, F.S.; defining the term  
64 "essential services personnel"; amending s. 420.5095,  
65 F.S.; removing the definition of the term "essential  
66 services personnel"; amending s. 553.791, F.S.;  
67 providing and revising definitions; revising the  
68 timeframe an owner or contractor must notify the  
69 building official that he or she is using a private  
70 provider; revising the type of affidavit form to be  
71 used by private providers under certain circumstances;  
72 revising the timeframe within which a building  
73 official has to approve or deny a permit application;  
74 limiting a building official's review of a resubmitted  
75 permit application to previously identified

76 deficiencies; authorizing a contractor to petition the  
 77 circuit court to enforce the terms of certain building  
 78 code inspection service laws; limiting the number of  
 79 times a building official may audit a private  
 80 provider, with exceptions; providing an effective  
 81 date.

82

83 Be It Enacted by the Legislature of the State of Florida:

84

85 Section 1. Section 125.01055, Florida Statutes, is amended  
 86 to read:

87 125.01055 Affordable housing.—

88 (1) Notwithstanding any other provision of law, a county  
 89 may adopt and maintain in effect any law, ordinance, rule, or  
 90 other measure that is adopted for the purpose of increasing the  
 91 supply of affordable housing using land use mechanisms such as  
 92 inclusionary housing ordinances. A county may not, however,  
 93 adopt or impose a requirement in any form, including, without  
 94 limitation, by way of a comprehensive plan amendment, ordinance,  
 95 or land development regulation or as a condition of a  
 96 development order or development permit, which has any of the  
 97 following effects:

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

100 (b) Requiring the allocation or designation, whether

101 directly or indirectly, of privately produced dwelling units for  
 102 sale or rental to any particular class or group of purchasers or  
 103 tenants; or

104 (c) Requiring the provision of any onsite or offsite  
 105 workforce or affordable housing units or a contribution of land  
 106 or money for such housing, including, but not limited to, the  
 107 payment of any flat or percentage-based fee, whether calculated  
 108 on the basis of the number of approved dwelling units, the  
 109 amount of approved square footage, or otherwise.

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

114 Section 2. Section 125.022, Florida Statutes, is amended  
 115 to read:

116 125.022 Development permits and development orders.-

117 (1) Within 30 days after receiving an application for a  
 118 development permit or development order, a county must review  
 119 the application for completeness and issue a letter indicating  
 120 that all required information has been submitted or specifying  
 121 with particularity any areas that are deficient. If deficient,  
 122 the applicant has 30 days to address the deficiencies by  
 123 submitting the required additional information. Within 120 days  
 124 after the county has deemed the application complete the county  
 125 must approve, approve with conditions, or deny the application

126 for a development permit or development order. The time periods  
127 contained in this section may be waived in writing by the  
128 applicant. An approval, approval with conditions, or denial of  
129 the application for a development permit or development order  
130 must include written findings supporting the county's decision.

131 (2)-(1) When reviewing an application for a development  
132 permit or development order that is certified by a professional  
133 listed in s. 403.0877, a county may not request additional  
134 information from the applicant more than three times, unless the  
135 applicant waives the limitation in writing. Before a third  
136 request for additional information, the applicant must be  
137 offered a meeting to attempt to resolve outstanding issues.  
138 Except as provided in subsection (5)-(4), if the applicant  
139 believes the request for additional information is not  
140 authorized by ordinance, rule, statute, or other legal  
141 authority, the county, at the applicant's request, shall proceed  
142 to process the application for approval or denial.

143 (3)-(2) When a county denies an application for a  
144 development permit or development order, the county shall give  
145 written notice to the applicant. The notice must include a  
146 citation to the applicable portions of an ordinance, rule,  
147 statute, or other legal authority for the denial of the permit  
148 or order.

149 (4)-(3) As used in this section, the terms term  
150 "development permit" and "development order" have ~~has~~ the same

151 meaning as in s. 163.3164, but do ~~does~~ not include building  
152 permits.

153 (5)~~(4)~~ For any development permit application filed with  
154 the county on or after July 1, 2012, a county may not require as  
155 a condition of processing or issuing a development permit or  
156 development order that an applicant obtain a permit or approval  
157 from any state or federal agency unless the agency has issued a  
158 final agency action that denies the federal or state permit  
159 before the county action on the local development permit.

160 (6)~~(5)~~ Issuance of a development permit or development  
161 order by a county does not in any way create any rights on the  
162 part of the applicant to obtain a permit from a state or federal  
163 agency and does not create any liability on the part of the  
164 county for issuance of the permit if the applicant fails to  
165 obtain requisite approvals or fulfill the obligations imposed by  
166 a state or federal agency or undertakes actions that result in a  
167 violation of state or federal law. A county shall attach such a  
168 disclaimer to the issuance of a development permit and shall  
169 include a permit condition that all other applicable state or  
170 federal permits be obtained before commencement of the  
171 development.

172 (7)~~(6)~~ This section does not prohibit a county from  
173 providing information to an applicant regarding what other state  
174 or federal permits may apply.

175 Section 3. Section 166.033, Florida Statutes, is amended

176 to read:

177 166.033 Development permits and development orders.—

178 (1) Within 30 days after receiving an application for a  
179 development permit or development order, a municipality must  
180 review the application for completeness and issue a letter  
181 indicating that all required information has been submitted or  
182 specifying with particularity any areas that are deficient. If  
183 deficient, the applicant has 30 days to address the deficiencies  
184 by submitting the required additional information. Within 120  
185 days after the municipality has deemed the application complete  
186 the municipality must approve, approve with conditions, or deny  
187 the application for a development permit or development order.  
188 The time periods contained in this subsection may be waived in  
189 writing by the applicant. An approval, approval with conditions,  
190 or denial of the application for a development permit or  
191 development order must include written findings supporting the  
192 municipality's decision.

193 (2)~~(1)~~ When reviewing an application for a development  
194 permit or development order that is certified by a professional  
195 listed in s. 403.0877, a municipality may not request additional  
196 information from the applicant more than three times, unless the  
197 applicant waives the limitation in writing. Before a third  
198 request for additional information, the applicant must be  
199 offered a meeting to attempt to resolve outstanding issues.  
200 Except as provided in subsection (5)~~(4)~~, if the applicant

201 believes the request for additional information is not  
202 authorized by ordinance, rule, statute, or other legal  
203 authority, the municipality, at the applicant's request, shall  
204 proceed to process the application for approval or denial.

205 (3)~~(2)~~ When a municipality denies an application for a  
206 development permit or development order, the municipality shall  
207 give written notice to the applicant. The notice must include a  
208 citation to the applicable portions of an ordinance, rule,  
209 statute, or other legal authority for the denial of the permit  
210 or order.

211 (4)~~(3)~~ As used in this section, the terms ~~term~~  
212 "development permit" and "development order" have ~~has~~ the same  
213 meaning as in s. 163.3164, but do ~~does~~ not include building  
214 permits.

215 (5)~~(4)~~ For any development permit application filed with  
216 the municipality on or after July 1, 2012, a municipality may  
217 not require as a condition of processing or issuing a  
218 development permit or development order that an applicant obtain  
219 a permit or approval from any state or federal agency unless the  
220 agency has issued a final agency action that denies the federal  
221 or state permit before the municipal action on the local  
222 development permit.

223 (6)~~(5)~~ Issuance of a development permit or development  
224 order by a municipality does not in any way create any right on  
225 the part of an applicant to obtain a permit from a state or

226 federal agency and does not create any liability on the part of  
227 the municipality for issuance of the permit if the applicant  
228 fails to obtain requisite approvals or fulfill the obligations  
229 imposed by a state or federal agency or undertakes actions that  
230 result in a violation of state or federal law. A municipality  
231 shall attach such a disclaimer to the issuance of development  
232 permits and shall include a permit condition that all other  
233 applicable state or federal permits be obtained before  
234 commencement of the development.

235 (7)~~(6)~~ This section does not prohibit a municipality from  
236 providing information to an applicant regarding what other state  
237 or federal permits may apply.

238 Section 4. Section 166.04151, Florida Statutes, is amended  
239 to read:

240 166.04151 Affordable housing.—

241 (1) Notwithstanding any other provision of law, a  
242 municipality may adopt and maintain in effect any law,  
243 ordinance, rule, or other measure that is adopted for the  
244 purpose of increasing the supply of affordable housing using  
245 land use mechanisms such as inclusionary housing ordinances. A  
246 municipality may not, however, adopt or impose a requirement in  
247 any form, including, without limitation, by way of a  
248 comprehensive plan amendment, ordinance, or land development  
249 regulation or as a condition of a development order or  
250 development permit, which has any of the following effects:

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

253 (b) Requiring the allocation or designation, whether  
 254 directly or indirectly, of privately produced dwelling units for  
 255 sale or rental to any particular class or group of purchasers or  
 256 tenants; or

257 (c) Requiring the provision of any onsite or offsite  
 258 workforce or affordable housing units or a contribution of land  
 259 or money for such housing, including, but not limited to, the  
 260 payment of any flat or percentage-based fee, whether calculated  
 261 on the basis of the number of approved dwelling units, the  
 262 amount of approved square footage, or otherwise.

263 (2) This section does not limit the authority of a  
 264 municipality to create or implement a voluntary density bonus  
 265 program or any other voluntary incentive-based program designed  
 266 to increase the supply of workforce or affordable housing units.

267 Section 5. Subsection (2) of section 166.045, Florida  
 268 Statutes, is renumbered as subsection (3), and a new subsection  
 269 (2) is added to that section, to read:

270 166.045 Proposed purchase of real property by  
 271 municipality; confidentiality of records; procedure.-

272 (2) Except as otherwise provided in s. 171.205, a  
 273 municipality may not purchase real property within another  
 274 municipality's jurisdictional boundaries without the other  
 275 municipality's consent.

276 Section 6. Subsection (4) is added to section 171.042,  
 277 Florida Statutes, to read:

278 171.042 Prerequisites to annexation.—

279 (4) Except as otherwise provided in s. 171.205, a  
 280 municipality may not annex an area within another municipal  
 281 jurisdiction without the other municipality's consent.

282 Section 7. Subsection (3) of section 163.3167, Florida  
 283 Statutes, is amended to read:

284 163.3167 Scope of act.—

285 (3) A municipality established after the effective date of  
 286 this act shall, within 1 year after incorporation, establish a  
 287 local planning agency, pursuant to s. 163.3174, and prepare and  
 288 adopt a comprehensive plan of the type and in the manner set out  
 289 in this act within 3 years after the date of such incorporation.  
 290 A county comprehensive plan ~~is shall be deemed~~ controlling until  
 291 the municipality adopts a comprehensive plan in accordance  
 292 ~~accord~~ with this act. A comprehensive plan adopted after January  
 293 1, 2019, and all land development regulations adopted to  
 294 implement the comprehensive plan, must incorporate each  
 295 development order existing before the comprehensive plan's  
 296 effective date, may not impair the completion of a development  
 297 in accordance with such existing development order, and must  
 298 vest the density and intensity approved by such development  
 299 order existing on the effective date of the comprehensive plan  
 300 without limitation or modification.

301 Section 8. Paragraph (j) is added to subsection (2) of  
302 section 163.3202, Florida Statutes, to read:

303 163.3202 Land development regulations.—

304 (2) Local land development regulations shall contain  
305 specific and detailed provisions necessary or desirable to  
306 implement the adopted comprehensive plan and shall at a minimum:

307 (j) Incorporate preexisting development orders identified  
308 pursuant to s. 163.3167(3).

309 Section 9. Paragraph (i) of subsection (5) and paragraph  
310 (h) of subsection (6) of section 163.3180, Florida Statutes, are  
311 amended to read:

312 163.3180 Concurrency.—

313 (5)

314 (i) If a local government elects to repeal transportation  
315 concurrency, it is encouraged to adopt an alternative mobility  
316 funding system that uses one or more of the tools and techniques  
317 identified in paragraph (f). Any alternative mobility funding  
318 system adopted may not be used to deny, time, or phase an  
319 application for site plan approval, plat approval, final  
320 subdivision approval, building permits, or the functional  
321 equivalent of such approvals provided that the developer agrees  
322 to pay for the development's identified transportation impacts  
323 via the funding mechanism implemented by the local government.  
324 The revenue from the funding mechanism used in the alternative  
325 system must be used to implement the needs of the local

326 government's plan which serves as the basis for the fee imposed.  
327 A mobility fee-based funding system must comply with the  
328 requirements of s. 163.31801 governing the dual-rational-nexus  
329 ~~test applicable to~~ impact fees. An alternative system that is  
330 not mobility fee-based shall not be applied in a manner that  
331 imposes upon new development any responsibility for funding an  
332 existing transportation deficiency as defined in paragraph (h).

333 (6)

334 (h)1. In order to limit the liability of local  
335 governments, a local government may allow a landowner to proceed  
336 with development of a specific parcel of land notwithstanding a  
337 failure of the development to satisfy school concurrency, if all  
338 the following factors are shown to exist:

339 a. The proposed development would be consistent with the  
340 future land use designation for the specific property and with  
341 pertinent portions of the adopted local plan, as determined by  
342 the local government.

343 b. The local government's capital improvements element and  
344 the school board's educational facilities plan provide for  
345 school facilities adequate to serve the proposed development,  
346 and the local government or school board has not implemented  
347 that element or the project includes a plan that demonstrates  
348 that the capital facilities needed as a result of the project  
349 can be reasonably provided.

350 c. The local government and school board have provided a

351 means by which the landowner will be assessed a proportionate  
352 share of the cost of providing the school facilities necessary  
353 to serve the proposed development.

354 2. If a local government applies school concurrency, it  
355 may not deny an application for site plan, final subdivision  
356 approval, or the functional equivalent for a development or  
357 phase of a development authorizing residential development for  
358 failure to achieve and maintain the level-of-service standard  
359 for public school capacity in a local school concurrency  
360 management system where adequate school facilities will be in  
361 place or under actual construction within 3 years after the  
362 issuance of final subdivision or site plan approval, or the  
363 functional equivalent. School concurrency is satisfied if the  
364 developer executes a legally binding commitment to provide  
365 mitigation proportionate to the demand for public school  
366 facilities to be created by actual development of the property,  
367 including, but not limited to, the options described in sub-  
368 subparagraph a. Options for proportionate-share mitigation of  
369 impacts on public school facilities must be established in the  
370 comprehensive plan and the interlocal agreement pursuant to s.  
371 163.31777.

372 a. Appropriate mitigation options include the contribution  
373 of land; the construction, expansion, or payment for land  
374 acquisition or construction of a public school facility; the  
375 construction of a charter school that complies with the

376 requirements of s. 1002.33(18); or the creation of mitigation  
377 banking based on the construction of a public school facility in  
378 exchange for the right to sell capacity credits. Such options  
379 must include execution by the applicant and the local government  
380 of a development agreement that constitutes a legally binding  
381 commitment to pay proportionate-share mitigation for the  
382 additional residential units approved by the local government in  
383 a development order and actually developed on the property,  
384 taking into account residential density allowed on the property  
385 prior to the plan amendment that increased the overall  
386 residential density. The district school board must be a party  
387 to such an agreement. As a condition of its entry into such a  
388 development agreement, the local government may require the  
389 landowner to agree to continuing renewal of the agreement upon  
390 its expiration.

391 b. If the interlocal agreement and the local government  
392 comprehensive plan authorize a contribution of land; the  
393 construction, expansion, or payment for land acquisition; the  
394 construction or expansion of a public school facility, or a  
395 portion thereof; or the construction of a charter school that  
396 complies with the requirements of s. 1002.33(18), as  
397 proportionate-share mitigation, the local government shall  
398 credit such a contribution, construction, expansion, or payment  
399 toward any other impact fee or exaction imposed by local  
400 ordinance for public educational facilities ~~the same need~~, on a

401 dollar-for-dollar basis at fair market value. The credit must be  
402 based on the total impact fee assessed and not upon the impact  
403 fee for any particular type of school.

404 c. Any proportionate-share mitigation must be directed by  
405 the school board toward a school capacity improvement identified  
406 in the 5-year school board educational facilities plan that  
407 satisfies the demands created by the development in accordance  
408 with a binding developer's agreement.

409 3. This paragraph does not limit the authority of a local  
410 government to deny a development permit or its functional  
411 equivalent pursuant to its home rule regulatory powers, except  
412 as provided in this part.

413 Section 10. Section 163.31801, Florida Statutes, is  
414 amended to read:

415 163.31801 Impact fees; short title; intent; minimum  
416 requirements; audits; challenges ~~definitions; ordinances levying~~  
417 ~~impact fees.~~

418 (1) This section may be cited as the "Florida Impact Fee  
419 Act."

420 (2) The Legislature finds that impact fees are an  
421 important source of revenue for a local government to use in  
422 funding the infrastructure necessitated by new growth. The  
423 Legislature further finds that impact fees are an outgrowth of  
424 the home rule power of a local government to provide certain  
425 services within its jurisdiction. Due to the growth of impact

426 fee collections and local governments' reliance on impact fees,  
427 it is the intent of the Legislature to ensure that, when a  
428 county or municipality adopts an impact fee by ordinance or a  
429 special district adopts an impact fee by resolution, the  
430 governing authority complies with this section.

431 (3) At a minimum, an impact fee adopted by ordinance of a  
432 county or municipality or by resolution of a special district  
433 must satisfy all of the following conditions,~~at minimum:~~

434 (a) The local government must calculate ~~require that the~~  
435 ~~calculation of~~ the impact fee ~~be~~ based on the most recent and  
436 localized data.

437 (b) The local government must provide for accounting and  
438 reporting of impact fee collections and expenditures. If a local  
439 government ~~governmental entity~~ imposes an impact fee to address  
440 its infrastructure needs, the local government must ~~entity shall~~  
441 account for the revenues and expenditures of such impact fee in  
442 a separate accounting fund.

443 (c) The local government must limit administrative charges  
444 for the collection of impact fees to actual costs.

445 (d) The local government must provide ~~Require that~~ notice  
446 ~~be provided~~ no less than 90 days before the effective date of an  
447 ordinance or resolution imposing a new or increased impact fee.  
448 A county or municipality is not required to wait 90 days to  
449 decrease, suspend, or eliminate an impact fee.

450 (e) The local government may not require payment of the

451 impact fee before the date of issuance of the building permit  
452 for the property that is subject to the fee.

453 (f) The impact fee must be reasonably connected to, or  
454 have a rational nexus with, the need for additional capital  
455 facilities and the increased impact generated by the new  
456 residential or commercial construction.

457 (g) The impact fee must be reasonably connected to, or  
458 have a rational nexus with, the expenditures of the funds  
459 collected and the benefits accruing to the new residential or  
460 commercial construction.

461 (h) The local government must specifically earmark  
462 revenues generated by the impact fee to acquire, construct, or  
463 improve capital facilities to benefit new users.

464 (i) The local government may not use revenues generated by  
465 the impact fee to pay existing debt or for previously approved  
466 projects unless the expenditure is reasonably connected to, or  
467 has a rational nexus with, the increased impact generated by the  
468 new residential or commercial construction.

469 (4) The local government must credit against the  
470 collection of the impact fee any contribution, whether  
471 identified in a proportionate share agreement or other form of  
472 exaction, related to public education facilities, including land  
473 dedication, site planning and design, or construction. Any  
474 contribution must be applied to reduce any education-based  
475 impact fees on a dollar-for-dollar basis at fair market value.

476        (5) If a local government increases its impact fee rates,  
 477 then the holder of any impact fee credits, whether such credits  
 478 are granted under s. 163.3180, s. 380.06, or otherwise, which  
 479 were in existence before the increase, is entitled to the full  
 480 benefit of the intensity or density prepaid by the credit  
 481 balance as of the date it was first established.

482        (6)~~(4)~~ Audits of financial statements of local  
 483 governmental entities and district school boards which are  
 484 performed by a certified public accountant pursuant to s. 218.39  
 485 and submitted to the Auditor General must include an affidavit  
 486 signed by the chief financial officer of the local governmental  
 487 entity or district school board stating that the local  
 488 governmental entity or district school board has complied with  
 489 this section.

490        (7)~~(5)~~ In any action challenging an impact fee, the  
 491 government has the burden of proving by a preponderance of the  
 492 evidence that the imposition or amount of the fee meets the  
 493 requirements of state legal precedent or this section. The court  
 494 may not use a deferential standard.

495        (8) A county, municipality, or special district may  
 496 provide an exception or waiver for an impact fee for the  
 497 development or construction of housing that is affordable, as  
 498 defined in s. 420.9071. A county, municipality, or special  
 499 district providing such an exception or waiver is not required  
 500 to use any revenues to offset the impact.

501       (9) This section does not apply to water and sewer  
 502 connection fees.

503       Section 11. Subsections (8) and (9) of section 163.3215,  
 504 Florida Statutes, are renumbered as subsections (9) and (10)  
 505 respectively, and a new subsection (8) is added to that section,  
 506 to read:

507       163.3215 Standing to enforce local comprehensive plans  
 508 through development orders.—

509       (8) (a) In any proceeding under subsection (3), either  
 510 party is entitled to the summary procedure provided in s.  
 511 51.011, and the court shall advance the cause on the calendar,  
 512 subject to paragraph (b).

513       (b) Upon a showing by either party by clear and convincing  
 514 evidence that summary procedure is inappropriate, the court may  
 515 determine that summary procedure does not apply.

516       Section 12. Paragraph (a) of subsection (1) of section  
 517 252.363, Florida Statutes, is amended to read:

518       252.363 Tolling and extension of permits and other  
 519 authorizations.—

520       (1) (a) The declaration of a state of emergency issued by  
 521 the Governor for a natural emergency tolls the period remaining  
 522 to exercise the rights under a permit or other authorization for  
 523 the duration of the emergency declaration. Further, the  
 524 emergency declaration extends the period remaining to exercise  
 525 the rights under a permit or other authorization for 6 months in

526 addition to the tolled period. This paragraph applies to the  
 527 following:

528 1. The expiration of a development order issued by a local  
 529 government.

530 2. The expiration of a building permit.

531 3. The expiration of a permit issued by the Department of  
 532 Environmental Protection or a water management district pursuant  
 533 to part IV of chapter 373.

534 4. The buildout date of a development of regional impact,  
 535 including any extension of a buildout date that was previously  
 536 granted as specified in s. 380.06(7)(c).

537 Section 13. Subsection (8) of section 420.502, Florida  
 538 Statutes, is amended to read:

539 420.502 Legislative findings.—It is hereby found and  
 540 declared as follows:

541 (8) (a) It is necessary to create new programs to stimulate  
 542 the construction and substantial rehabilitation of rental  
 543 housing for eligible persons and families.

544 (b) It is necessary to create a state housing finance  
 545 strategy to provide affordable workforce housing opportunities  
 546 to essential services personnel in areas of critical state  
 547 concern designated under s. 380.05, for which the Legislature  
 548 has declared its intent to provide affordable housing, and areas  
 549 that were designated as areas of critical state concern for at  
 550 least 20 consecutive years prior to removal of the designation.

551 The lack of affordable workforce housing has been exacerbated by  
552 the dwindling availability of developable land, environmental  
553 constraints, rising construction and insurance costs, and the  
554 shortage of lower-cost housing units. As this state's population  
555 continues to grow, essential services personnel vital to the  
556 economies of areas of critical state concern are unable to live  
557 in the communities where they work, creating transportation  
558 congestion and hindering their quality of life and community  
559 engagement.

560 Section 14. Subsections (18) through (42) of section  
561 420.503, Florida Statutes, are renumbered as subsections (19)  
562 through (43), respectively, and a new subsection (18) is added  
563 to that section, to read:

564 420.503 Definitions.—As used in this part, the term:  
565 (18) "Essential services personnel" means natural persons  
566 or families whose total annual household income is at or below  
567 120 percent of the area median income, adjusted for household  
568 size, and at least one of whom is employed as police or fire  
569 personnel, a child care worker, a teacher or other education  
570 personnel, health care personnel, a public employee, or a  
571 service worker.

572 Section 15. Subsection (3) of section 420.5095, Florida  
573 Statutes, is amended to read:

574 420.5095 Community Workforce Housing Innovation Pilot  
575 Program.—

576 (3) For purposes of this section, the term:

577 (a) "Workforce housing" means housing affordable to  
 578 natural persons or families whose total annual household income  
 579 does not exceed 140 percent of the area median income, adjusted  
 580 for household size, or 150 percent of area median income,  
 581 adjusted for household size, in areas of critical state concern  
 582 designated under s. 380.05, for which the Legislature has  
 583 declared its intent to provide affordable housing, and areas  
 584 that were designated as areas of critical state concern for at  
 585 least 20 consecutive years prior to removal of the designation.

586 ~~(b) "Essential services personnel" means persons in need~~  
 587 ~~of affordable housing who are employed in occupations or~~  
 588 ~~professions in which they are considered essential services~~  
 589 ~~personnel, as defined by each county and eligible municipality~~  
 590 ~~within its respective local housing assistance plan pursuant to~~  
 591 ~~s. 420.9075(3)(a).~~

592 ~~(c)~~ "Public-private partnership" means any form of  
 593 business entity that includes substantial involvement of at  
 594 least one county, one municipality, or one public sector entity,  
 595 such as a school district or other unit of local government in  
 596 which the project is to be located, and at least one private  
 597 sector for-profit or not-for-profit business or charitable  
 598 entity, and may be any form of business entity, including a  
 599 joint venture or contractual agreement.

600 Section 16. Subsections (1), (4), (5), (6), (7), and (18)

601 of section 553.791, Florida Statutes, are amended, and paragraph  
602 (d) is added to subsection (15), to read:

603 553.791 Alternative plans review and inspection.—

604 (1) As used in this section, the term:

605 (a) "Applicable codes" means the Florida Building Code and  
606 any local technical amendments to the Florida Building Code but  
607 does not include the applicable minimum fire prevention and  
608 firesafety codes adopted pursuant to chapter 633.

609 (b) "Audit" means the process to confirm that the building  
610 code inspection services have been performed by the private  
611 provider, including ensuring that the required affidavit for the  
612 plan review has been properly completed and affixed to the  
613 permit documents and that the minimum mandatory inspections  
614 required under the building code have been performed and  
615 properly recorded. ~~The term does not mean that the local~~  
616 ~~building official may not is required to~~ replicate the plan  
617 review or inspection being performed by the private provider,  
618 unless expressly authorized by this section.

619 (c) "Building" means any construction, erection,  
620 alteration, demolition, or improvement of, or addition to, any  
621 structure or site work for which permitting by a local  
622 enforcement agency is required.

623 (d) "Building code inspection services" means those  
624 services described in s. 468.603(5) and (8) involving the review  
625 of building plans as well as those services involving the review

626 of site plans and site work engineering plans or their  
627 functional equivalent, to determine compliance with applicable  
628 codes and those inspections required by law of each phase of  
629 construction for which permitting by a local enforcement agency  
630 is required to determine compliance with applicable codes.

631 (e) "Duly authorized representative" means an agent of the  
632 private provider identified in the permit application who  
633 reviews plans or performs inspections as provided by this  
634 section and who is licensed as an engineer under chapter 471 or  
635 as an architect under chapter 481 or who holds a standard  
636 certificate under part XII of chapter 468.

637 (f) "Immediate threat to public safety and welfare" means  
638 a building code violation that, if allowed to persist,  
639 constitutes an immediate hazard that could result in death,  
640 serious bodily injury, or significant property damage. This  
641 paragraph does not limit the authority of the local building  
642 official to issue a Notice of Corrective Action at any time  
643 during the construction of a building project or any portion of  
644 such project if the official determines that a condition of the  
645 building or portion thereof may constitute a hazard when the  
646 building is put into use following completion as long as the  
647 condition cited is shown to be in violation of the building code  
648 or approved plans.

649 (g) "Local building official" means the individual within  
650 the governing jurisdiction responsible for direct regulatory

651 administration or supervision of plans review, enforcement, and  
652 inspection of any construction, erection, alteration,  
653 demolition, or substantial improvement of, or addition to, any  
654 structure for which permitting is required to indicate  
655 compliance with applicable codes and includes any duly  
656 authorized designee of such person.

657 (h) "Permit application" means a properly completed and  
658 submitted application for the requested building or construction  
659 permit, including:

- 660 1. The plans reviewed by the private provider.
- 661 2. The affidavit from the private provider required under  
662 subsection (6).
- 663 3. Any applicable fees.
- 664 4. Any documents required by the local building official  
665 to determine that the fee owner has secured all other government  
666 approvals required by law.

667 (i) "Plans" means building plans, site engineering plans,  
668 or site plans, or their functional equivalent, submitted by a  
669 fee owner or fee owner's contractor to a private provider or  
670 duly authorized representative for review.

671 (j)-(i) "Private provider" means a person licensed as a  
672 building code administrator under part XII of chapter 468, as an  
673 engineer under chapter 471, or as an architect under chapter  
674 481. For purposes of performing inspections under this section  
675 for additions and alterations that are limited to 1,000 square

676 feet or less to residential buildings, the term "private  
677 provider" also includes a person who holds a standard  
678 certificate under part XII of chapter 468.

679 ~~(k)-(j)~~ "Request for certificate of occupancy or  
680 certificate of completion" means a properly completed and  
681 executed application for:

682 1. A certificate of occupancy or certificate of  
683 completion.

684 2. A certificate of compliance from the private provider  
685 required under subsection (11).

686 3. Any applicable fees.

687 4. Any documents required by the local building official  
688 to determine that the fee owner has secured all other government  
689 approvals required by law.

690 (l) "Site work" means the portion of a construction  
691 project that is not part of the building structure, including,  
692 but not limited to, grading, excavation, landscape irrigation,  
693 and installation of driveways.

694 ~~(m)-(k)~~ "Stop-work order" means the issuance of any written  
695 statement, written directive, or written order which states the  
696 reason for the order and the conditions under which the cited  
697 work will be permitted to resume.

698 (4) A fee owner or the fee owner's contractor using a  
699 private provider to provide building code inspection services  
700 shall notify the local building official at the time of permit

701 application, or no less than 2 7 business days before ~~prior to~~  
 702 the first scheduled inspection by the local building official or  
 703 building code enforcement agency for a private provider  
 704 performing required inspections of construction under this  
 705 section, on a form to be adopted by the commission. This notice  
 706 shall include the following information:

707 (a) The services to be performed by the private provider.

708 (b) The name, firm, address, telephone number, and  
 709 facsimile number of each private provider who is performing or  
 710 will perform such services, his or her professional license or  
 711 certification number, qualification statements or resumes, and,  
 712 if required by the local building official, a certificate of  
 713 insurance demonstrating that professional liability insurance  
 714 coverage is in place for the private provider's firm, the  
 715 private provider, and any duly authorized representative in the  
 716 amounts required by this section.

717 (c) An acknowledgment from the fee owner in substantially  
 718 the following form:

719  
 720 I have elected to use one or more private providers to  
 721 provide building code plans review and/or inspection  
 722 services on the building or structure that is the  
 723 subject of the enclosed permit application, as  
 724 authorized by s. 553.791, Florida Statutes. I  
 725 understand that the local building official may not

726 review the plans submitted or perform the required  
727 building inspections to determine compliance with the  
728 applicable codes, except to the extent specified in  
729 said law. Instead, plans review and/or required  
730 building inspections will be performed by licensed or  
731 certified personnel identified in the application. The  
732 law requires minimum insurance requirements for such  
733 personnel, but I understand that I may require more  
734 insurance to protect my interests. By executing this  
735 form, I acknowledge that I have made inquiry regarding  
736 the competence of the licensed or certified personnel  
737 and the level of their insurance and am satisfied that  
738 my interests are adequately protected. I agree to  
739 indemnify, defend, and hold harmless the local  
740 government, the local building official, and their  
741 building code enforcement personnel from any and all  
742 claims arising from my use of these licensed or  
743 certified personnel to perform building code  
744 inspection services with respect to the building or  
745 structure that is the subject of the enclosed permit  
746 application.

747  
748 If the fee owner or the fee owner's contractor makes any changes  
749 to the listed private providers or the services to be provided  
750 by those private providers, the fee owner or the fee owner's

751 contractor shall, within 1 business day after any change, update  
752 the notice to reflect such changes. A change of a duly  
753 authorized representative named in the permit application does  
754 not require a revision of the permit, and the building code  
755 enforcement agency shall not charge a fee for making the change.  
756 In addition, the fee owner or the fee owner's contractor shall  
757 post at the project site, before ~~prior to~~ the commencement of  
758 construction and updated within 1 business day after any change,  
759 on a form to be adopted by the commission, the name, firm,  
760 address, telephone number, and facsimile number of each private  
761 provider who is performing or will perform building code  
762 inspection services, the type of service being performed, and  
763 similar information for the primary contact of the private  
764 provider on the project.

765 (5) After construction has commenced and if the local  
766 building official is unable to provide inspection services in a  
767 timely manner, the fee owner or the fee owner's contractor may  
768 elect to use a private provider to provide inspection services  
769 by notifying the local building official of the owner's or  
770 contractor's intention to do so no less than 2 ~~7~~ business days  
771 before ~~prior to~~ the next scheduled inspection using the notice  
772 provided for in paragraphs (4) (a)-(c).

773 (6) A private provider performing plans review under this  
774 section shall review the ~~construction~~ plans to determine  
775 compliance with the applicable codes. Upon determining that the

776 plans reviewed comply with the applicable codes, the private  
777 provider shall prepare an affidavit or affidavits on a form  
778 reasonably acceptable to ~~adopted by~~ the commission certifying,  
779 under oath, that the following is true and correct to the best  
780 of the private provider's knowledge and belief:

781 (a) The plans were reviewed by the affiant, who is duly  
782 authorized to perform plans review pursuant to this section and  
783 holds the appropriate license or certificate.

784 (b) The plans comply with the applicable codes.

785 (7) (a) No more than 5 ~~30~~ business days after receipt of a  
786 permit application and the affidavit from the private provider  
787 required pursuant to subsection (6), the local building official  
788 shall issue the requested permit or provide a written notice to  
789 the permit applicant identifying the specific plan features that  
790 do not comply with the applicable codes, as well as the specific  
791 code chapters and sections. If the local building official does  
792 not provide a written notice of the plan deficiencies within the  
793 prescribed 5-day ~~30-day~~ period, the permit application shall be  
794 deemed approved as a matter of law, and the permit shall be  
795 issued by the local building official on the next business day.

796 (b) If the local building official provides a written  
797 notice of plan deficiencies to the permit applicant within the  
798 prescribed 5-day ~~30-day~~ period, the 5-day ~~30-day~~ period shall be  
799 tolled pending resolution of the matter. To resolve the plan  
800 deficiencies, the permit applicant may elect to dispute the

801 deficiencies pursuant to subsection (13) or to submit revisions  
802 to correct the deficiencies.

803 (c) If the permit applicant submits revisions, the local  
804 building official has 3 ~~the remainder of the tolled 30-day~~  
805 ~~period plus 5~~ business days from the date of resubmittal to  
806 issue the requested permit or to provide a second written notice  
807 to the permit applicant stating which of the previously  
808 identified plan features remain in noncompliance with the  
809 applicable codes, with specific reference to the relevant code  
810 chapters and sections. Any subsequent review by the local  
811 building official is limited to the deficiencies cited in the  
812 written notice. If the local building official does not provide  
813 the second written notice within the prescribed time period, the  
814 permit shall be deemed approved as a matter of law, and issued  
815 by the local building official must issue the permit on the next  
816 business day.

817 (d) If the local building official provides a second  
818 written notice of plan deficiencies to the permit applicant  
819 within the prescribed time period, the permit applicant may  
820 elect to dispute the deficiencies pursuant to subsection (13) or  
821 to submit additional revisions to correct the deficiencies. For  
822 all revisions submitted after the first revision, the local  
823 building official has 3 ~~an additional 5~~ business days from the  
824 date of resubmittal to issue the requested permit or to provide  
825 a written notice to the permit applicant stating which of the

826 | previously identified plan features remain in noncompliance with  
827 | the applicable codes, with specific reference to the relevant  
828 | code chapters and sections.

829 | (15)

830 | (d) If the local jurisdiction fails to comply with the  
831 | provisions set forth in this section, the fee owner's contractor  
832 | that has requested to use a private provider to provide building  
833 | code inspection services under this section may petition the  
834 | circuit court for the local jurisdiction to enforce the terms of  
835 | this section by writ of injunctive or other equitable relief.

836 | (18) Each local building code enforcement agency may audit  
837 | the performance of building code inspection services by private  
838 | providers operating within the local jurisdiction. However, the  
839 | same private provider may not be audited more than four times in  
840 | a calendar year unless the local building official determines a  
841 | condition of a building constitutes an immediate threat to  
842 | public safety and welfare. Work on a building or structure may  
843 | proceed after inspection and approval by a private provider if  
844 | the provider has given notice of the inspection pursuant to  
845 | subsection (9) and, subsequent to such inspection and approval,  
846 | the work shall not be delayed for completion of an inspection  
847 | audit by the local building code enforcement agency.

848 | Section 17. This act shall take effect July 1, 2019.