

1 A bill to be entitled
2 An act relating to property development; amending s.
3 125.01055, F.S.; prohibiting a county from adopting or
4 imposing a requirement in any form relating to
5 affordable housing which has specified effects;
6 providing an exception; providing construction;
7 amending s. 125.022, F.S.; requiring that a county
8 review certain applications for completeness and issue
9 a certain letter within a specified time period after
10 receiving an application for approval of a development
11 permit or development order; providing procedures for
12 addressing deficiencies in, and for approving or
13 denying, the application; authorizing parties to
14 request and extend the time periods; providing an
15 exception to the required time periods; conforming
16 provisions to changes made by the act; defining the
17 term "development order"; amending s. 166.033, F.S.;
18 requiring that a municipality review the application
19 for completeness and issue a certain letter within a
20 specified period after receiving an application for
21 approval of a development permit or development order;
22 providing procedures for addressing deficiencies in,
23 and for approving or denying, the application;
24 authorizing parties to request and extend the time
25 periods; providing an exception to the required time

26 periods; conforming provisions to changes made by the
27 act; defining the term "development order"; amending
28 s. 166.04151, F.S.; prohibiting a municipality from
29 adopting or imposing a requirement in any form
30 relating to affordable housing which has specified
31 effects; providing an exception; providing
32 construction; amending s. 166.045, F.S.; prohibiting a
33 municipality from purchasing specified real properties
34 under certain circumstances; amending s. 171.042,
35 F.S.; prohibiting a municipality from annexing
36 specified areas under certain circumstances; amending
37 s. 163.3167, F.S.; requiring certain comprehensive
38 plans to incorporate and comply with the terms of
39 existing development orders; amending s. 163.3202,
40 F.S.; requiring local land development regulations to
41 incorporate certain existing development orders;
42 amending s. 163.3180, F.S.; revising the requirements
43 for a valid mobility fee-based funding system;
44 requiring a local government to credit certain
45 contributions, constructions, expansions, or payments
46 toward any other impact fee or exaction imposed by
47 local ordinance for public educational facilities;
48 providing requirements for the basis of the credit;
49 amending s. 163.31801, F.S.; providing minimum
50 requirements to be satisfied by certain entities

51 before adopting an impact fee; requiring local
52 government to credit against the collection of impact
53 fees certain contributions related to public education
54 facilities; specifying the calculation; requiring a
55 local government to increase certain impact fee
56 credits previously awarded if it increases its impact
57 fee rates; authorizing a county, municipality, or
58 special district to provide certain exemptions or
59 waivers of impact fees in certain circumstances;
60 exempting water and sewer connection fees from the
61 Florida Impact Fee Act; amending s. 163.3215, F.S.;
62 specifying use of summary procedure in certain
63 development order cases; amending s. 252.363, F.S.;
64 revising the circumstances under which a state of
65 emergency declaration tolls and extends the remaining
66 period for certain permits and authorizations;
67 amending s. 420.502, F.S.; providing legislative
68 intent; amending s. 420.503, F.S.; defining the term
69 "essential services personnel"; amending s. 420.5095,
70 F.S.; removing the definition of the term "essential
71 services personnel"; amending s. 553.791, F.S.;
72 providing and revising definitions; providing
73 legislative intent regarding the payment of reduced
74 fees for certain owners and contractors under certain
75 circumstances; prohibiting a local jurisdiction from

76 charging fees for certain building inspections;
 77 revising the timeframe an owner or contractor must
 78 notify the building official that he or she is using a
 79 private provider; revising the type of affidavit form
 80 to be used by private providers under certain
 81 circumstances; revising the timeframe within which a
 82 building official has to approve or deny a permit
 83 application; limiting a building official's review of
 84 a resubmitted permit application to previously
 85 identified deficiencies; authorizing a contractor to
 86 petition the circuit court to enforce the terms of
 87 certain building code inspection service laws;
 88 limiting the number of times a building official may
 89 audit a private provider, with exceptions; providing
 90 an effective date.

91
 92 Be It Enacted by the Legislature of the State of Florida:

93
 94 Section 1. Section 125.01055, Florida Statutes, is amended
 95 to read:

96 125.01055 Affordable housing.—

97 (1) Notwithstanding any other provision of law, a county
 98 may adopt and maintain in effect any law, ordinance, rule, or
 99 other measure that is adopted for the purpose of increasing the
 100 supply of affordable housing using land use mechanisms such as

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

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

109 (b) Requiring the allocation or designation, whether
 110 directly or indirectly, of privately produced dwelling units for
 111 sale or rental to any particular class or group of purchasers or
 112 tenants; or

113 (c) Requiring the provision of any onsite or offsite
 114 workforce or affordable housing units or a contribution of land
 115 or money for such housing, including, but not limited to, the
 116 payment of any flat or percentage-based fee, whether calculated
 117 on the basis of the number of approved dwelling units, the
 118 amount of approved square footage, or otherwise.

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

123 Section 2. Section 125.022, Florida Statutes, is amended
 124 to read:

125 125.022 Development permits and development orders.-

126 (1) Within 30 days after receiving an application for
127 approval of a development permit or development order, a county
128 must review the application for completeness and issue a letter
129 indicating that all required information has been submitted or
130 specifying with particularity any areas that are deficient. If
131 the application is deficient, the applicant has 30 days to
132 address the deficiencies by submitting the required additional
133 information. Within 120 days after the county has deemed the
134 application complete, or 180 days for applications that require
135 final action through a quasi-judicial hearing or public hearing,
136 the county must approve, approve with conditions, or deny the
137 application for a development permit or development order. Both
138 parties may agree to a reasonable request for an extension of
139 time, particularly in the event of a force majeure or other
140 extraordinary circumstance. An approval, approval with
141 conditions, or denial of the application for a development
142 permit or development order must include written findings
143 supporting the county's decision. The timeframes contained in
144 this subsection do not apply in an area of critical state
145 concern, as designated in s. 380.0552.

146 (2)~~(1)~~ When reviewing an application for a development
147 permit or development order that is certified by a professional
148 listed in s. 403.0877, a county may not request additional
149 information from the applicant more than three times, unless the
150 applicant waives the limitation in writing. Before a third

151 request for additional information, the applicant must be
152 offered a meeting to attempt to resolve outstanding issues.
153 Except as provided in subsection (5)-(4), if the applicant
154 believes the request for additional information is not
155 authorized by ordinance, rule, statute, or other legal
156 authority, the county, at the applicant's request, shall proceed
157 to process the application for approval or denial.

158 (3)-(2) When a county denies an application for a
159 development permit or development order, the county shall give
160 written notice to the applicant. The notice must include a
161 citation to the applicable portions of an ordinance, rule,
162 statute, or other legal authority for the denial of the permit
163 or order.

164 (4)-(3) As used in this section, the terms term
165 "development permit" and "development order" have ~~has~~ the same
166 meaning as in s. 163.3164, but do ~~does~~ not include building
167 permits.

168 (5)-(4) For any development permit application filed with
169 the county on or after July 1, 2012, a county may not require as
170 a condition of processing or issuing a development permit or
171 development order that an applicant obtain a permit or approval
172 from any state or federal agency unless the agency has issued a
173 final agency action that denies the federal or state permit
174 before the county action on the local development permit.

175 (6)-(5) Issuance of a development permit or development

176 order by a county does not in any way create any rights on the
177 part of the applicant to obtain a permit from a state or federal
178 agency and does not create any liability on the part of the
179 county for issuance of the permit if the applicant fails to
180 obtain requisite approvals or fulfill the obligations imposed by
181 a state or federal agency or undertakes actions that result in a
182 violation of state or federal law. A county shall attach such a
183 disclaimer to the issuance of a development permit and shall
184 include a permit condition that all other applicable state or
185 federal permits be obtained before commencement of the
186 development.

187 (7)~~(6)~~ This section does not prohibit a county from
188 providing information to an applicant regarding what other state
189 or federal permits may apply.

190 Section 3. Section 166.033, Florida Statutes, is amended
191 to read:

192 166.033 Development permits and development orders.-

193 (1) Within 30 days after receiving an application for
194 approval of a development permit or development order, a
195 municipality must review the application for completeness and
196 issue a letter indicating that all required information has been
197 submitted or specifying with particularity any areas that are
198 deficient. If the application is deficient, the applicant has 30
199 days to address the deficiencies by submitting the required
200 additional information. Within 120 days after the municipality

201 has deemed the application complete, or 180 days for
202 applications that require final action through a quasi-judicial
203 hearing or public hearing, the municipality must approve,
204 approve with conditions, or deny the application for a
205 development permit or development order. Both parties may agree
206 to a reasonable request for an extension of time, particularly
207 in the event of a force majeure or other extraordinary
208 circumstance. An approval, approval with conditions, or denial
209 of the application for a development permit or development order
210 must include written findings supporting the municipality's
211 decision. The timeframes contained in this subsection do not
212 apply in an area of critical state concern, as designated in s.
213 380.0552.

214 (2)-(1) When reviewing an application for a development
215 permit or development order that is certified by a professional
216 listed in s. 403.0877, a municipality may not request additional
217 information from the applicant more than three times, unless the
218 applicant waives the limitation in writing. Before a third
219 request for additional information, the applicant must be
220 offered a meeting to attempt to resolve outstanding issues.
221 Except as provided in subsection (5)-(4), if the applicant
222 believes the request for additional information is not
223 authorized by ordinance, rule, statute, or other legal
224 authority, the municipality, at the applicant's request, shall
225 proceed to process the application for approval or denial.

226 (3)~~(2)~~ When a municipality denies an application for a
 227 development permit or development order, the municipality shall
 228 give written notice to the applicant. The notice must include a
 229 citation to the applicable portions of an ordinance, rule,
 230 statute, or other legal authority for the denial of the permit
 231 or order.

232 (4)~~(3)~~ As used in this section, the terms ~~term~~
 233 "development permit" and "development order" have ~~has~~ the same
 234 meaning as in s. 163.3164, but do ~~does~~ not include building
 235 permits.

236 (5)~~(4)~~ For any development permit application filed with
 237 the municipality on or after July 1, 2012, a municipality may
 238 not require as a condition of processing or issuing a
 239 development permit or development order that an applicant obtain
 240 a permit or approval from any state or federal agency unless the
 241 agency has issued a final agency action that denies the federal
 242 or state permit before the municipal action on the local
 243 development permit.

244 (6)~~(5)~~ Issuance of a development permit or development
 245 order by a municipality does not in any way create any right on
 246 the part of an applicant to obtain a permit from a state or
 247 federal agency and does not create any liability on the part of
 248 the municipality for issuance of the permit if the applicant
 249 fails to obtain requisite approvals or fulfill the obligations
 250 imposed by a state or federal agency or undertakes actions that

251 result in a violation of state or federal law. A municipality
252 shall attach such a disclaimer to the issuance of development
253 permits and shall include a permit condition that all other
254 applicable state or federal permits be obtained before
255 commencement of the development.

256 (7)~~(6)~~ This section does not prohibit a municipality from
257 providing information to an applicant regarding what other state
258 or federal permits may apply.

259 Section 4. Section 166.04151, Florida Statutes, is amended
260 to read:

261 166.04151 Affordable housing.—

262 (1) Notwithstanding any other provision of law, a
263 municipality may adopt and maintain in effect any law,
264 ordinance, rule, or other measure that is adopted for the
265 purpose of increasing the supply of affordable housing using
266 land use mechanisms such as inclusionary housing ordinances.
267 Except in an area designated in s. 380.0552, or by chapter 28-
268 36, Florida Administrative Code, a municipality may not,
269 however, adopt or impose a requirement in any form, including,
270 without limitation, by way of a comprehensive plan amendment,
271 ordinance, or land development regulation or as a condition of a
272 development order or development permit, which has any of the
273 following effects:

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

276 (b) Requiring the allocation or designation, whether
277 directly or indirectly, of privately produced dwelling units for
278 sale or rental to any particular class or group of purchasers or
279 tenants; or

280 (c) Requiring the provision of any onsite or offsite
281 workforce or affordable housing units or a contribution of land
282 or money for such housing, including, but not limited to, the
283 payment of any flat or percentage-based fee, whether calculated
284 on the basis of the number of approved dwelling units, the
285 amount of approved square footage, or otherwise.

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

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

293 166.045 Proposed purchase of real property by
294 municipality; confidentiality of records; procedure.—

295 (2) Except as otherwise provided in s. 171.205, a
296 municipality may not purchase real property within another
297 municipality's jurisdictional boundaries without the other
298 municipality's consent.

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

301 171.042 Prerequisites to annexation.—

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

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

307 163.3167 Scope of act.—

308 (3) A municipality established after the effective date of
 309 this act shall, within 1 year after incorporation, establish a
 310 local planning agency, pursuant to s. 163.3174, and prepare and
 311 adopt a comprehensive plan of the type and in the manner set out
 312 in this act within 3 years after the date of such incorporation.
 313 A county comprehensive plan is ~~shall be deemed~~ controlling until
 314 the municipality adopts a comprehensive plan in accordance
 315 ~~accord~~ with this act. A comprehensive plan adopted after January
 316 1, 2019, and all land development regulations adopted to
 317 implement the comprehensive plan, must incorporate each
 318 development order existing before the comprehensive plan's
 319 effective date, may not impair the completion of a development
 320 in accordance with such existing development order, and must
 321 vest the density and intensity approved by such development
 322 order existing on the effective date of the comprehensive plan
 323 without limitation or modification.

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

326 163.3202 Land development regulations.—

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

330 (j) Incorporate preexisting development orders identified
 331 pursuant to s. 163.3167(3).

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

335 163.3180 Concurrency.—

336 (5)

337 (i) If a local government elects to repeal transportation
 338 concurrency, it is encouraged to adopt an alternative mobility
 339 funding system that uses one or more of the tools and techniques
 340 identified in paragraph (f). Any alternative mobility funding
 341 system adopted may not be used to deny, time, or phase an
 342 application for site plan approval, plat approval, final
 343 subdivision approval, building permits, or the functional
 344 equivalent of such approvals provided that the developer agrees
 345 to pay for the development's identified transportation impacts
 346 via the funding mechanism implemented by the local government.
 347 The revenue from the funding mechanism used in the alternative
 348 system must be used to implement the needs of the local
 349 government's plan which serves as the basis for the fee imposed.
 350 A mobility fee-based funding system must comply with the

351 requirements of s. 163.31801 governing ~~the dual-rational-nexus~~
352 ~~test applicable to~~ impact fees. An alternative system that is
353 not mobility fee-based shall not be applied in a manner that
354 imposes upon new development any responsibility for funding an
355 existing transportation deficiency as defined in paragraph (h).

356 (6)

357 (h)1. In order to limit the liability of local
358 governments, a local government may allow a landowner to proceed
359 with development of a specific parcel of land notwithstanding a
360 failure of the development to satisfy school concurrency, if all
361 the following factors are shown to exist:

362 a. The proposed development would be consistent with the
363 future land use designation for the specific property and with
364 pertinent portions of the adopted local plan, as determined by
365 the local government.

366 b. The local government's capital improvements element and
367 the school board's educational facilities plan provide for
368 school facilities adequate to serve the proposed development,
369 and the local government or school board has not implemented
370 that element or the project includes a plan that demonstrates
371 that the capital facilities needed as a result of the project
372 can be reasonably provided.

373 c. The local government and school board have provided a
374 means by which the landowner will be assessed a proportionate
375 share of the cost of providing the school facilities necessary

376 | to serve the proposed development.

377 | 2. If a local government applies school concurrency, it
378 | may not deny an application for site plan, final subdivision
379 | approval, or the functional equivalent for a development or
380 | phase of a development authorizing residential development for
381 | failure to achieve and maintain the level-of-service standard
382 | for public school capacity in a local school concurrency
383 | management system where adequate school facilities will be in
384 | place or under actual construction within 3 years after the
385 | issuance of final subdivision or site plan approval, or the
386 | functional equivalent. School concurrency is satisfied if the
387 | developer executes a legally binding commitment to provide
388 | mitigation proportionate to the demand for public school
389 | facilities to be created by actual development of the property,
390 | including, but not limited to, the options described in sub-
391 | subparagraph a. Options for proportionate-share mitigation of
392 | impacts on public school facilities must be established in the
393 | comprehensive plan and the interlocal agreement pursuant to s.
394 | 163.31777.

395 | a. Appropriate mitigation options include the contribution
396 | of land; the construction, expansion, or payment for land
397 | acquisition or construction of a public school facility; the
398 | construction of a charter school that complies with the
399 | requirements of s. 1002.33(18); or the creation of mitigation
400 | banking based on the construction of a public school facility in

401 exchange for the right to sell capacity credits. Such options
402 must include execution by the applicant and the local government
403 of a development agreement that constitutes a legally binding
404 commitment to pay proportionate-share mitigation for the
405 additional residential units approved by the local government in
406 a development order and actually developed on the property,
407 taking into account residential density allowed on the property
408 prior to the plan amendment that increased the overall
409 residential density. The district school board must be a party
410 to such an agreement. As a condition of its entry into such a
411 development agreement, the local government may require the
412 landowner to agree to continuing renewal of the agreement upon
413 its expiration.

414 b. If the interlocal agreement and the local government
415 comprehensive plan authorize a contribution of land; the
416 construction, expansion, or payment for land acquisition; the
417 construction or expansion of a public school facility, or a
418 portion thereof; or the construction of a charter school that
419 complies with the requirements of s. 1002.33(18), as
420 proportionate-share mitigation, the local government shall
421 credit such a contribution, construction, expansion, or payment
422 toward any other impact fee or exaction imposed by local
423 ordinance for public educational facilities ~~the same need~~, on a
424 dollar-for-dollar basis at fair market value. The credit must be
425 based on the total impact fee assessed and not upon the impact

426 fee for any particular type of school.

427 c. Any proportionate-share mitigation must be directed by
428 the school board toward a school capacity improvement identified
429 in the 5-year school board educational facilities plan that
430 satisfies the demands created by the development in accordance
431 with a binding developer's agreement.

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

436 Section 10. Section 163.31801, Florida Statutes, is
437 amended to read:

438 163.31801 Impact fees; short title; intent; minimum
439 requirements; audits; challenges ~~definitions; ordinances levying~~
440 ~~impact fees.~~-

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

443 (2) The Legislature finds that impact fees are an
444 important source of revenue for a local government to use in
445 funding the infrastructure necessitated by new growth. The
446 Legislature further finds that impact fees are an outgrowth of
447 the home rule power of a local government to provide certain
448 services within its jurisdiction. Due to the growth of impact
449 fee collections and local governments' reliance on impact fees,
450 it is the intent of the Legislature to ensure that, when a

451 county or municipality adopts an impact fee by ordinance or a
452 special district adopts an impact fee by resolution, the
453 governing authority complies with this section.

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

457 (a) The local government must calculate ~~require that the~~
458 ~~ealculation of~~ the impact fee ~~be~~ based on the most recent and
459 localized data.

460 (b) The local government must provide for accounting and
461 reporting of impact fee collections and expenditures. If a local
462 government ~~governmental entity~~ imposes an impact fee to address
463 its infrastructure needs, the local government must ~~entity shall~~
464 account for the revenues and expenditures of such impact fee in
465 a separate accounting fund.

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

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

473 (e) The local government may not require payment of the
474 impact fee before the date of issuance of the building permit
475 for the property that is subject to the fee.

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

480 (g) The impact fee must be reasonably connected to, or
481 have a rational nexus with, the expenditures of the funds
482 collected and the benefits accruing to the new residential or
483 commercial construction.

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

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

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

499 (5) If a local government increases its impact fee rates,
500 then the holder of any impact fee credits, whether such credits

501 are granted under s. 163.3180, s. 380.06, or otherwise, which
502 were in existence before the increase, is entitled to the full
503 benefit of the intensity or density prepaid by the credit
504 balance as of the date it was first established.

505 (6)~~(4)~~ Audits of financial statements of local
506 governmental entities and district school boards which are
507 performed by a certified public accountant pursuant to s. 218.39
508 and submitted to the Auditor General must include an affidavit
509 signed by the chief financial officer of the local governmental
510 entity or district school board stating that the local
511 governmental entity or district school board has complied with
512 this section.

513 (7)~~(5)~~ In any action challenging an impact fee, the
514 government has the burden of proving by a preponderance of the
515 evidence that the imposition or amount of the fee meets the
516 requirements of state legal precedent or this section. The court
517 may not use a deferential standard.

518 (8) A county, municipality, or special district may
519 provide an exception or waiver for an impact fee for the
520 development or construction of housing that is affordable, as
521 defined in s. 420.9071. A county, municipality, or special
522 district providing such an exception or waiver is not required
523 to use any revenues to offset the impact.

524 (9) This section does not apply to water and sewer
525 connection fees.

526 Section 11. Subsections (8) and (9) of section 163.3215,
 527 Florida Statutes, are renumbered as subsections (9) and (10)
 528 respectively, and a new subsection (8) is added to that section,
 529 to read:

530 163.3215 Standing to enforce local comprehensive plans
 531 through development orders.—

532 (8) (a) In any proceeding under subsection (3), either
 533 party is entitled to the summary procedure provided in s.
 534 51.011, and the court shall advance the cause on the calendar,
 535 subject to paragraph (b).

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

539 Section 12. Paragraph (a) of subsection (1) of section
 540 252.363, Florida Statutes, is amended to read:

541 252.363 Tolling and extension of permits and other
 542 authorizations.—

543 (1) (a) The declaration of a state of emergency issued by
 544 the Governor for a natural emergency tolls the period remaining
 545 to exercise the rights under a permit or other authorization for
 546 the duration of the emergency declaration. Further, the
 547 emergency declaration extends the period remaining to exercise
 548 the rights under a permit or other authorization for 6 months in
 549 addition to the tolled period. This paragraph applies to the
 550 following:

551 1. The expiration of a development order issued by a local
552 government.

553 2. The expiration of a building permit.

554 3. The expiration of a permit issued by the Department of
555 Environmental Protection or a water management district pursuant
556 to part IV of chapter 373.

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

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

562 420.502 Legislative findings.—It is hereby found and
563 declared as follows:

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

567 (b) It is necessary to create a state housing finance
568 strategy to provide affordable workforce housing opportunities
569 to essential services personnel in areas of critical state
570 concern designated under s. 380.05, for which the Legislature
571 has declared its intent to provide affordable housing, and areas
572 that were designated as areas of critical state concern for at
573 least 20 consecutive years prior to removal of the designation.
574 The lack of affordable workforce housing has been exacerbated by
575 the dwindling availability of developable land, environmental

576 constraints, rising construction and insurance costs, and the
577 shortage of lower-cost housing units. As this state's population
578 continues to grow, essential services personnel vital to the
579 economies of areas of critical state concern are unable to live
580 in the communities where they work, creating transportation
581 congestion and hindering their quality of life and community
582 engagement.

583 Section 14. Subsections (18) through (42) of section
584 420.503, Florida Statutes, are renumbered as subsections (19)
585 through (43), respectively, and a new subsection (18) is added
586 to that section, to read:

587 420.503 Definitions.—As used in this part, the term:

588 (18) "Essential services personnel" means natural persons
589 or families whose total annual household income is at or below
590 120 percent of the area median income, adjusted for household
591 size, and at least one of whom is employed as police or fire
592 personnel, a child care worker, a teacher or other education
593 personnel, health care personnel, a public employee, or a
594 service worker.

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

597 420.5095 Community Workforce Housing Innovation Pilot
598 Program.—

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

600 (a) "Workforce housing" means housing affordable to

601 natural persons or families whose total annual household income
602 does not exceed 140 percent of the area median income, adjusted
603 for household size, or 150 percent of area median income,
604 adjusted for household size, in areas of critical state concern
605 designated under s. 380.05, for which the Legislature has
606 declared its intent to provide affordable housing, and areas
607 that were designated as areas of critical state concern for at
608 least 20 consecutive years prior to removal of the designation.

609 ~~(b) "Essential services personnel" means persons in need~~
610 ~~of affordable housing who are employed in occupations or~~
611 ~~professions in which they are considered essential services~~
612 ~~personnel, as defined by each county and eligible municipality~~
613 ~~within its respective local housing assistance plan pursuant to~~
614 ~~s. 420.9075(3)(a).~~

615 ~~(e)~~ "Public-private partnership" means any form of
616 business entity that includes substantial involvement of at
617 least one county, one municipality, or one public sector entity,
618 such as a school district or other unit of local government in
619 which the project is to be located, and at least one private
620 sector for-profit or not-for-profit business or charitable
621 entity, and may be any form of business entity, including a
622 joint venture or contractual agreement.

623 Section 16. Subsection (1), paragraph (b) of subsection
624 (2), and subsections (4), (5), (6), (7), and (18) of section
625 553.791, Florida Statutes, are amended, and paragraph (d) is

626 added to subsection (15), to read:

627 553.791 Alternative plans review and inspection.—

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

629 (a) "Applicable codes" means the Florida Building Code and
 630 any local technical amendments to the Florida Building Code but
 631 does not include the applicable minimum fire prevention and
 632 firesafety codes adopted pursuant to chapter 633.

633 (b) "Audit" means the process to confirm that the building
 634 code inspection services have been performed by the private
 635 provider, including ensuring that the required affidavit for the
 636 plan review has been properly completed and affixed to the
 637 permit documents and that the minimum mandatory inspections
 638 required under the building code have been performed and
 639 properly recorded. ~~The term does not mean that the local~~
 640 ~~building official may not is required to~~ replicate the plan
 641 review or inspection being performed by the private provider,
 642 unless expressly authorized by this section.

643 (c) "Building" means any construction, erection,
 644 alteration, demolition, or improvement of, or addition to, any
 645 structure or site work for which permitting by a local
 646 enforcement agency is required.

647 (d) "Building code inspection services" means those
 648 services described in s. 468.603(5) and (8) involving the review
 649 of building plans as well as those services involving the review
 650 of site plans and site work engineering plans or their

651 functional equivalent, to determine compliance with applicable
652 codes and those inspections required by law of each phase of
653 construction for which permitting by a local enforcement agency
654 is required to determine compliance with applicable codes.

655 (e) "Duly authorized representative" means an agent of the
656 private provider identified in the permit application who
657 reviews plans or performs inspections as provided by this
658 section and who is licensed as an engineer under chapter 471 or
659 as an architect under chapter 481 or who holds a standard
660 certificate under part XII of chapter 468.

661 (f) "Immediate threat to public safety and welfare" means
662 a building code violation that, if allowed to persist,
663 constitutes an immediate hazard that could result in death,
664 serious bodily injury, or significant property damage. This
665 paragraph does not limit the authority of the local building
666 official to issue a Notice of Corrective Action at any time
667 during the construction of a building project or any portion of
668 such project if the official determines that a condition of the
669 building or portion thereof may constitute a hazard when the
670 building is put into use following completion as long as the
671 condition cited is shown to be in violation of the building code
672 or approved plans.

673 (g) "Local building official" means the individual within
674 the governing jurisdiction responsible for direct regulatory
675 administration or supervision of plans review, enforcement, and

676 inspection of any construction, erection, alteration,
677 demolition, or substantial improvement of, or addition to, any
678 structure for which permitting is required to indicate
679 compliance with applicable codes and includes any duly
680 authorized designee of such person.

681 (h) "Permit application" means a properly completed and
682 submitted application for the requested building or construction
683 permit, including:

- 684 1. The plans reviewed by the private provider.
- 685 2. The affidavit from the private provider required under
686 subsection (6).
- 687 3. Any applicable fees.
- 688 4. Any documents required by the local building official
689 to determine that the fee owner has secured all other government
690 approvals required by law.

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

695 (j)~~(i)~~ "Private provider" means a person licensed as a
696 building code administrator under part XII of chapter 468, as an
697 engineer under chapter 471, or as an architect under chapter
698 481. For purposes of performing inspections under this section
699 for additions and alterations that are limited to 1,000 square
700 feet or less to residential buildings, the term "private

701 provider" also includes a person who holds a standard
702 certificate under part XII of chapter 468.

703 ~~(k)-(j)~~ "Request for certificate of occupancy or
704 certificate of completion" means a properly completed and
705 executed application for:

706 1. A certificate of occupancy or certificate of
707 completion.

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

710 3. Any applicable fees.

711 4. Any documents required by the local building official
712 to determine that the fee owner has secured all other government
713 approvals required by law.

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

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

722 (2)

723 (b) It is the intent of the Legislature that owners and
724 contractors pay reduced fees ~~not be required to pay extra costs~~
725 related to building permitting requirements when hiring a

726 private provider for plans review and building inspections. A
727 local jurisdiction must calculate the cost savings to the local
728 enforcement agency, based on a fee owner or contractor hiring a
729 private provider to perform plans reviews and building
730 inspections in lieu of the local building official, and reduce
731 the permit fees accordingly. The local jurisdiction may not
732 charge fees for building inspections if the fee owner or
733 contractor hires a private provider.

734 (4) A fee owner or the fee owner's contractor using a
735 private provider to provide building code inspection services
736 shall notify the local building official at the time of permit
737 application, or no less than 2 ~~7~~ business days before ~~prior to~~
738 the first scheduled inspection by the local building official or
739 building code enforcement agency for a private provider
740 performing required inspections of construction under this
741 section, on a form to be adopted by the commission. This notice
742 shall include the following information:

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

744 (b) The name, firm, address, telephone number, and
745 facsimile number of each private provider who is performing or
746 will perform such services, his or her professional license or
747 certification number, qualification statements or resumes, and,
748 if required by the local building official, a certificate of
749 insurance demonstrating that professional liability insurance
750 coverage is in place for the private provider's firm, the

751 private provider, and any duly authorized representative in the
752 amounts required by this section.

753 (c) An acknowledgment from the fee owner in substantially
754 the following form:

755

756 I have elected to use one or more private providers to
757 provide building code plans review and/or inspection
758 services on the building or structure that is the
759 subject of the enclosed permit application, as
760 authorized by s. 553.791, Florida Statutes. I
761 understand that the local building official may not
762 review the plans submitted or perform the required
763 building inspections to determine compliance with the
764 applicable codes, except to the extent specified in
765 said law. Instead, plans review and/or required
766 building inspections will be performed by licensed or
767 certified personnel identified in the application. The
768 law requires minimum insurance requirements for such
769 personnel, but I understand that I may require more
770 insurance to protect my interests. By executing this
771 form, I acknowledge that I have made inquiry regarding
772 the competence of the licensed or certified personnel
773 and the level of their insurance and am satisfied that
774 my interests are adequately protected. I agree to
775 indemnify, defend, and hold harmless the local

776 government, the local building official, and their
777 building code enforcement personnel from any and all
778 claims arising from my use of these licensed or
779 certified personnel to perform building code
780 inspection services with respect to the building or
781 structure that is the subject of the enclosed permit
782 application.

783

784 If the fee owner or the fee owner's contractor makes any changes
785 to the listed private providers or the services to be provided
786 by those private providers, the fee owner or the fee owner's
787 contractor shall, within 1 business day after any change, update
788 the notice to reflect such changes. A change of a duly
789 authorized representative named in the permit application does
790 not require a revision of the permit, and the building code
791 enforcement agency shall not charge a fee for making the change.
792 In addition, the fee owner or the fee owner's contractor shall
793 post at the project site, before ~~prior to~~ the commencement of
794 construction and updated within 1 business day after any change,
795 on a form to be adopted by the commission, the name, firm,
796 address, telephone number, and facsimile number of each private
797 provider who is performing or will perform building code
798 inspection services, the type of service being performed, and
799 similar information for the primary contact of the private
800 provider on the project.

801 (5) After construction has commenced and if the local
802 building official is unable to provide inspection services in a
803 timely manner, the fee owner or the fee owner's contractor may
804 elect to use a private provider to provide inspection services
805 by notifying the local building official of the owner's or
806 contractor's intention to do so no less than 2 7 business days
807 before ~~prior to~~ the next scheduled inspection using the notice
808 provided for in paragraphs (4) (a)-(c).

809 (6) A private provider performing plans review under this
810 section shall review the ~~construction~~ plans to determine
811 compliance with the applicable codes. Upon determining that the
812 plans reviewed comply with the applicable codes, the private
813 provider shall prepare an affidavit or affidavits on a form
814 reasonably acceptable to ~~adopted by~~ the commission certifying,
815 under oath, that the following is true and correct to the best
816 of the private provider's knowledge and belief:

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

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

821 (7) (a) No more than 5 ~~30~~ business days after receipt of a
822 permit application and the affidavit from the private provider
823 required pursuant to subsection (6), the local building official
824 shall issue the requested permit or provide a written notice to
825 the permit applicant identifying the specific plan features that

826 do not comply with the applicable codes, as well as the specific
827 code chapters and sections. If the local building official does
828 not provide a written notice of the plan deficiencies within the
829 prescribed 5-day ~~30-day~~ period, the permit application shall be
830 deemed approved as a matter of law, and the permit shall be
831 issued by the local building official on the next business day.

832 (b) If the local building official provides a written
833 notice of plan deficiencies to the permit applicant within the
834 prescribed 5-day ~~30-day~~ period, the 5-day ~~30-day~~ period shall be
835 tolled pending resolution of the matter. To resolve the plan
836 deficiencies, the permit applicant may elect to dispute the
837 deficiencies pursuant to subsection (13) or to submit revisions
838 to correct the deficiencies.

839 (c) If the permit applicant submits revisions, the local
840 building official has 3 ~~the remainder of the tolled 30-day~~
841 ~~period plus 5~~ business days from the date of resubmittal to
842 issue the requested permit or to provide a second written notice
843 to the permit applicant stating which of the previously
844 identified plan features remain in noncompliance with the
845 applicable codes, with specific reference to the relevant code
846 chapters and sections. Any subsequent review by the local
847 building official is limited to the deficiencies cited in the
848 written notice. If the local building official does not provide
849 the second written notice within the prescribed time period, the
850 permit shall be deemed approved as a matter of law, and issued

851 ~~by~~ the local building official must issue the permit on the next
852 business day.

853 (d) If the local building official provides a second
854 written notice of plan deficiencies to the permit applicant
855 within the prescribed time period, the permit applicant may
856 elect to dispute the deficiencies pursuant to subsection (13) or
857 to submit additional revisions to correct the deficiencies. For
858 all revisions submitted after the first revision, the local
859 building official has 3 ~~an additional 5~~ business days from the
860 date of resubmittal to issue the requested permit or to provide
861 a written notice to the permit applicant stating which of the
862 previously identified plan features remain in noncompliance with
863 the applicable codes, with specific reference to the relevant
864 code chapters and sections.

865 (15)

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

872 (18) Each local building code enforcement agency may audit
873 the performance of building code inspection services by private
874 providers operating within the local jurisdiction. However, the
875 same private provider may not be audited more than four times in

876 | a calendar year unless the local building official determines a
877 | condition of a building constitutes an immediate threat to
878 | public safety and welfare. Work on a building or structure may
879 | proceed after inspection and approval by a private provider if
880 | the provider has given notice of the inspection pursuant to
881 | subsection (9) and, subsequent to such inspection and approval,
882 | the work shall not be delayed for completion of an inspection
883 | audit by the local building code enforcement agency.

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