

1 A bill to be entitled

2 An act relating to the construction permits; amending
3 s. 125.022, F.S.; revising the requirements for when a
4 county may request certain information; amending s.
5 125.56, F.S.; requiring a county that issues building
6 permits to post certain building permit information on
7 its website; authorizing all components to a completed
8 application to be submitted electronically or in
9 person; amending s. 166.033, F.S.; revising the
10 requirements for when a municipality may request
11 certain information; amending s. 553.79, F.S.;
12 requiring a local enforcement agency to post certain
13 building permit information on its website;
14 authorizing all components to a completed application
15 to be submitted electronically or in person; requiring
16 a local enforcement agency to reduce a building permit
17 fee by a specified percentage for failing to meet
18 certain deadlines; providing an exception; requiring
19 the reduction of a building permit fee to be based on
20 the original amount of such fee; requiring an
21 applicant to take certain action within a specified
22 time; requiring certain surcharges to be recalculated
23 under certain conditions; amending ss. 553.792 and
24 553.794, F.S.; requiring a local government or local
25 building department, respectively, to reduce a

26 building permit fee or master building permit fee,
 27 respectively, by a specified percentage for failing to
 28 meet certain deadlines; providing exceptions;
 29 requiring certain surcharges to be recalculated under
 30 certain conditions; making technical changes; amending
 31 s. 713.135, F.S.; prohibiting an authority that issues
 32 a building permit from requiring an applicant to
 33 provide specified contracts as part of an application
 34 for certain construction; providing applicability;
 35 providing an effective date.

36
 37 Be It Enacted by the Legislature of the State of Florida:

38
 39 Section 1. Subsection (2) of section 125.022, Florida
 40 Statutes, is amended to read:

41 125.022 Development permits and orders.—

42 (2) (a) When reviewing an application for a development
 43 permit or development order that is certified by a professional
 44 listed in s. 403.0877, a county may not request additional
 45 information from the applicant more than three times, unless the
 46 applicant waives the limitation in writing.

47 (b) If a county makes a request for additional information
 48 and the applicant submits the required additional information
 49 within 30 days after receiving the request, the county must
 50 review the application for completeness and issue a letter

51 indicating that all required information has been submitted or
52 specify with particularity any areas that are deficient within
53 30 days after receiving the additional information.

54 (c) If a county makes a second request for additional
55 information and the applicant submits the required additional
56 information within 30 days after receiving the request, the
57 county must review the application for completeness and issue a
58 letter indicating that all required information has been
59 submitted or specify with particularity any areas that are
60 deficient within 10 days after receiving the additional
61 information.

62 (d) Before a third request for additional information, the
63 applicant must be offered a meeting to attempt to resolve
64 outstanding issues. If a county makes a third request for
65 additional information and the applicant submits the required
66 additional information within 30 days after receiving the
67 request, the county must deem the application complete within 10
68 days after receiving the additional information or proceed to
69 process the application for approval or denial unless the
70 applicant waived the county's limitation in writing as described
71 in paragraph (a).

72 (e) Except as provided in subsection (5), if the applicant
73 believes the request for additional information is not
74 authorized by ordinance, rule, statute, or other legal
75 authority, the county, at the applicant's request, shall proceed

76 | to process the application for approval or denial.

77 | Section 2. Paragraph (b) of subsection (4) of section
78 | 125.56, Florida Statutes, is amended, and paragraph (f) is added
79 | to that subsection, to read:

80 | 125.56 Enforcement and amendment of the Florida Building
81 | Code and the Florida Fire Prevention Code; inspection fees;
82 | inspectors; etc.—

83 | (4)

84 | (b) A county that issues building permits shall post each
85 | type of building permit application, including a list of all
86 | required attachments, drawings, or other requirements for each
87 | type of application, on its website. A county must post and
88 | update the status of every received application on its website
89 | until the issuance of the building permit. Completed
90 | applications, including payments, attachments, drawings, or
91 | other requirements or parts of the completed permit application,
92 | must be able to be submitted electronically to the county
93 | building department. Accepted methods of electronic submission
94 | include, but are not limited to, e-mail submission of
95 | applications in Portable Document Format or submission of
96 | applications through an electronic fill-in form available on the
97 | building department's website or through a third-party
98 | submission management software. Completed applications,
99 | including payments, attachments, ~~or~~ drawings, or other
100 | requirements or parts ~~required as part of the~~ completed permit

101 application, may also be submitted in person in a nonelectronic
102 format, at the discretion of the building official.

103 (f) A county that issues building permits must post its
104 procedures for processing, reviewing, and approving submitted
105 building permit applications on its website.

106 Section 3. Subsection (2) of section 166.033, Florida
107 Statutes, is amended to read:

108 166.033 Development permits and orders.—

109 (2) (a) When reviewing an application for a development
110 permit or development order that is certified by a professional
111 listed in s. 403.0877, a municipality may not request additional
112 information from the applicant more than three times, unless the
113 applicant waives the limitation in writing.

114 (b) If a municipality makes a request for additional
115 information and the applicant submits the required additional
116 information within 30 days after receiving the request, the
117 municipality must review the application for completeness and
118 issue a letter indicating that all required information has been
119 submitted or specify with particularity any areas that are
120 deficient within 30 days after receiving the additional
121 information.

122 (c) If a municipality makes a second request for
123 additional information and the applicant submits the required
124 additional information within 30 days after receiving the
125 request, the municipality must review the application for

126 completeness and issue a letter indicating that all required
127 information has been submitted or specify with particularity any
128 areas that are deficient within 10 days after receiving the
129 additional information.

130 (d) Before a third request for additional information, the
131 applicant must be offered a meeting to attempt to resolve
132 outstanding issues. If a municipality makes a third request for
133 additional information and the applicant submits the required
134 additional information within 30 days after receiving the
135 request, the municipality must deem the application complete
136 within 10 days after receiving the additional information or
137 proceed to process the application for approval or denial unless
138 the applicant waived the municipality's limitation in writing as
139 described in paragraph (a).

140 (e) Except as provided in subsection (5), if the applicant
141 believes the request for additional information is not
142 authorized by ordinance, rule, statute, or other legal
143 authority, the municipality, at the applicant's request, shall
144 proceed to process the application for approval or denial.

145 Section 4. Paragraph (b) of subsection (1) and subsection
146 (14) of section 553.79, Florida Statutes, are amended, and
147 paragraph (d) is added to subsection (1) of that section, to
148 read:

149 553.79 Permits; applications; issuance; inspections.—

150 (1)

151 (b) A local enforcement agency shall post each type of
 152 building permit application, including a list of all required
 153 attachments, drawings, or other requirements for each type of
 154 application, on its website. A local enforcement agency must
 155 post and update the status of every received application on its
 156 website until the issuance of the building permit. Completed
 157 applications, including payments, attachments, drawings, or
 158 other requirements or parts of the completed permit application,
 159 must be able to be submitted electronically to the appropriate
 160 building department. Accepted methods of electronic submission
 161 include, but are not limited to, e-mail submission of
 162 applications in Portable Document Format or submission of
 163 applications through an electronic fill-in form available on the
 164 building department's website or through a third-party
 165 submission management software. Completed applications,
 166 including payments, attachments, ~~or~~ drawings, or other
 167 requirements or parts ~~required as part~~ of the completed permit
 168 application, may also be submitted in person in a nonelectronic
 169 format, at the discretion of the building official.

170 (d) A local enforcement agency must post its procedures
 171 for processing, reviewing, and approving submitted building
 172 permit applications on its website.

173 (14) A building permit for a single-family residential
 174 dwelling must be issued within 30 business ~~working~~ days after
 175 receiving the permit ~~of~~ application ~~therefor~~ unless ~~unusual~~

176 ~~circumstances require a longer time for processing the~~
177 ~~application or unless~~ the permit application fails to satisfy
178 the Florida Building Code or the enforcing agency's laws or
179 ordinances.

180 (a) If a local enforcement agency fails to issue a
181 building permit for a single-family residential dwelling within
182 30 business days after receiving the permit application, it must
183 reduce the building permit fee by 10 percent for each business
184 day that it fails to meet the deadline. Each 10 percent
185 reduction shall be based on the original amount of the building
186 permit fee.

187 (b) A local enforcement agency does not have to reduce the
188 building permit fee if it provides written notice to the
189 applicant, by e-mail or United States Postal Service, within 30
190 business days after receiving the permit application, that
191 specifically states the reasons the permit application fails to
192 satisfy the Florida Building Code or the enforcing agency's laws
193 or ordinances. The written notice must also state that the
194 applicant has 10 business days after receiving the written
195 notice to submit revisions to correct the permit application and
196 that failure to correct the application within 10 business days
197 will result in a denial of the application.

198 (c) The applicant has 10 business days after receiving the
199 written notice to address the reasons specified by the local
200 enforcement agency and submit revisions to correct the permit

201 application. If the applicant submits revisions within 10
202 business days after receiving the written notice, the local
203 enforcement agency has 10 business days after receiving such
204 revisions to approve or deny the building permit unless the
205 applicant agrees to a longer period in writing. If the local
206 enforcement agency fails to issue or deny the building permit
207 within 10 business days after receiving the revisions, it must
208 reduce the building permit fee by 20 percent for the first
209 business day that it fails to meet the deadline unless the
210 applicant agrees to a longer period in writing. For each
211 additional business day, but not to exceed 5 business days, that
212 the local enforcement agency fails to meet the deadline, the
213 building permit fee must be reduced by an additional 10 percent.
214 Each reduction shall be based on the original amount of the
215 building permit fee.

216 (d) If any building permit fees are refunded under this
217 subsection, the surcharges provided in s. 468.631 or s. 553.721
218 must be recalculated based on the amount of the building permit
219 fees after the refund.

220 Section 5. Section 553.792, Florida Statutes, is amended
221 to read:

222 553.792 Building permit application to local government.—

223 (1) (a) Within 10 days of an applicant submitting an
224 application to the local government, the local government shall
225 advise the applicant what information, if any, is needed to deem

226 | the application properly completed in compliance with the filing
 227 | requirements published by the local government. If the local
 228 | government does not provide written notice that the applicant
 229 | has not submitted the properly completed application, the
 230 | application shall be automatically deemed properly completed and
 231 | accepted. Within 45 days after receiving a completed
 232 | application, a local government must notify an applicant if
 233 | additional information is required for the local government to
 234 | determine the sufficiency of the application, and shall specify
 235 | the additional information that is required. The applicant must
 236 | submit the additional information to the local government or
 237 | request that the local government act without the additional
 238 | information. While the applicant responds to the request for
 239 | additional information, the 120-day period described in this
 240 | subsection is tolled. Both parties may agree to a reasonable
 241 | request for an extension of time, particularly in the event of a
 242 | force majeure ~~majo~~r or other extraordinary circumstance. The
 243 | local government must approve, approve with conditions, or deny
 244 | the application within 120 days following receipt of a completed
 245 | application.

246 | (b) If a local government fails to meet a deadline
 247 | provided in paragraph (a), it must reduce the building permit
 248 | fee by 10 percent for each business day that it fails to meet
 249 | the deadline. Each 10 percent reduction shall be based on the
 250 | original amount of the building permit fee, unless the parties

251 agree to an extension of time.

252 (2) (a) The procedures set forth in subsection (1) apply to
253 the following building permit applications: accessory structure;
254 alarm permit; nonresidential buildings less than 25,000 square
255 feet; electric; irrigation permit; landscaping; mechanical;
256 plumbing; residential units other than a single family unit;
257 multifamily residential not exceeding 50 units; roofing; signs;
258 site-plan approvals and subdivision plats not requiring public
259 hearings or public notice; and lot grading and site alteration
260 associated with the permit application set forth in this
261 subsection. The procedures set forth in subsection (1) do not
262 apply to permits for any wireless communications facilities or
263 when a law, agency rule, or local ordinance specify different
264 timeframes for review of local building permit applications.

265 (b) If a local government has different timeframes than
266 the timeframes set forth in subsection (1) for reviewing
267 building permit applications described in paragraph (a), the
268 local government must meet the deadlines established by local
269 ordinance. If a local government does not meet an established
270 deadline to approve, approve with conditions, or deny an
271 application, it must reduce the building permit fee by 10
272 percent for each business day that it fails to meet the
273 deadline. Each 10 percent reduction shall be based on the
274 original amount of the building permit fee, unless the parties
275 agree to an extension of time. This paragraph does not apply to

276 permits for any wireless communications facilities.

277 (3) If any building permit fees are refunded under this
278 section, the surcharges provided in s. 468.631 or s. 553.721
279 must be recalculated based on the amount of the building permit
280 fees after the refund.

281 Section 6. Paragraph (c) of subsection (5) of section
282 553.794, Florida Statutes, is amended to read:

283 553.794 Local government residential master building
284 permit program.—

285 (5) MASTER BUILDING PERMIT APPLICATION APPROVAL PROCESS.—

286 (c) The local building department must approve or deny a
287 master building permit application within 120 days after the
288 local building department receives a completed application,
289 unless the applicant agrees to a longer period. If a local
290 building department fails to approve or deny a master building
291 permit application within 120 days after receiving the completed
292 permit application, it must reduce the master building permit
293 fee by 10 percent for each business day that it fails to meet
294 the deadline, unless the applicant agrees to a longer time
295 period. Each 10 percent reduction shall be based on the original
296 amount of the master building permit fee. If any master building
297 permit fees are refunded, the surcharges provided in s. 468.631
298 or s. 553.721 must be recalculated based on the amount of the
299 master building permit fees after the refund.

300 Section 7. Subsections (6) and (7) of section 713.135,

301 Florida Statutes, are renumbered as subsections (7) and (8),
302 respectively, and a new subsection (6) is added to that section
303 to read:

304 713.135 Notice of commencement and applicability of lien.—

305 (6) An authority that issues building permits may not
306 require an applicant to provide a direct contract or a contract
307 between a contractor and any other lienor as a condition of the
308 application for, or processing or issuance of, a building permit
309 for the construction of improvements or for the alteration or
310 repair of improvements on or to commercial property. This
311 subsection does not apply to the construction of improvements or
312 the alteration or repair of improvements owned or leased by the
313 federal government, the state or any county, city, or political
314 subdivision thereof, or other public authority.

315 Section 8. This act shall take effect October 1, 2021.