

By Senator Boyd

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1                                   A bill to be entitled  
2       An act relating to construction permits; amending s.  
3       125.022, F.S.; revising procedures for counties  
4       reviewing applications for development permits and  
5       orders; amending s. 125.56, F.S.; revising  
6       requirements for a county to post certain information  
7       on its website; requiring that certain items be able  
8       to be submitted electronically to the building  
9       department; amending s. 166.033, F.S.; revising  
10      procedures for municipalities reviewing applications  
11      for development permits and orders; amending s.  
12      553.79, F.S.; revising requirements for a local  
13      enforcement agency to post certain information on its  
14      website; requiring that certain items be able to be  
15      submitted electronically to the building department;  
16      revising procedures for the issuance of building  
17      permits for single-family residential dwellings;  
18      requiring local enforcing agencies to reduce building  
19      permit fees under certain circumstances; providing  
20      requirements for such reductions; amending s. 553.792,  
21      F.S.; requiring local governments to reduce building  
22      permit fees under certain circumstances; providing  
23      requirements for such reductions; providing  
24      applicability; amending s. 553.794, F.S.; requiring  
25      local building departments to reduce building permit  
26      fees under certain circumstances; amending s. 713.135,  
27      F.S.; prohibiting authorities from requiring  
28      applicants to provide certain contracts as a condition  
29      of receiving a building permit; providing

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30 applicability; providing an effective date.

31  
32 Be It Enacted by the Legislature of the State of Florida:

33  
34 Section 1. Subsection (2) of section 125.022, Florida  
35 Statutes, is amended to read:

36 125.022 Development permits and orders.—

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

42 (b) If a county makes a second request for additional  
43 information and the applicant submits the required additional  
44 information within 30 days after receiving the request, the  
45 county must review the application for completeness and issue a  
46 letter indicating that all required information has been  
47 submitted or specify with particularity any areas that are  
48 deficient within 10 days after receiving the additional  
49 information.

50 (c) Before a third request for additional information, the  
51 applicant must be offered a meeting to attempt to resolve  
52 outstanding issues. If a county makes a third request for  
53 additional information and the applicant submits the required  
54 additional information within 30 days after receiving the  
55 request, the county must deem the application complete within 10  
56 days or proceed to process the application for approval or  
57 denial unless the applicant waived the county's limitation in  
58 writing as described in paragraph (a).

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59        (d) Except as provided in subsection (5), if the applicant  
60 believes the request for additional information is not  
61 authorized by ordinance, rule, statute, or other legal  
62 authority, the county, at the applicant's request, shall proceed  
63 to process the application for approval or denial.

64        Section 2. Paragraph (b) of subsection (4) of section  
65 125.56, Florida Statutes, is amended, and paragraph (f) is added  
66 to that subsection, to read:

67        125.56 Enforcement and amendment of the Florida Building  
68 Code and the Florida Fire Prevention Code; inspection fees;  
69 inspectors; etc.—

70        (4)

71        (b) A county that issues building permits shall post each  
72 type of building permit application, including a list of all  
73 required attachments, drawings, or other requirements for each  
74 type of application, on its website. A county must post and  
75 update the status of every received application on its website  
76 until the issuance of the building permit. Completed  
77 applications, including payments, attachments, drawings, or  
78 other requirements or parts of the completed permit application,  
79 must be able to be submitted electronically to the county  
80 building department. Accepted methods of electronic submission  
81 include, but are not limited to, e-mail submission of  
82 applications in Portable Document Format or submission of  
83 applications through an electronic fill-in form available on the  
84 building department's website or through a third-party  
85 submission management software. Completed applications,  
86 including payments, attachments, ~~or~~ drawings, or other  
87 requirements or parts ~~required as part~~ of the completed permit

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

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

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

95 166.033 Development permits and orders.—

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

101 (b) If a municipality makes a second request for additional  
102 information and the applicant submits the required additional  
103 information within 30 days after receiving the request, the  
104 municipality must review the application for completeness and  
105 issue a letter indicating that all required information was  
106 submitted or specify with particularity any areas that are  
107 deficient within 10 days after receiving the additional  
108 information.

109 (c) Before a third request for additional information, the  
110 applicant must be offered a meeting to attempt to resolve  
111 outstanding issues. If a municipality makes a third request for  
112 additional information and the applicant submits the required  
113 additional information within 30 days after receiving the  
114 request, the municipality must deem the application complete  
115 within 10 days or proceed to process the application for  
116 approval or denial unless the applicant waived the

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117 municipality's limitation in writing as described in paragraph  
118 (a).

119 (d) Except as provided in subsection (5), if the applicant  
120 believes the request for additional information is not  
121 authorized by ordinance, rule, statute, or other legal  
122 authority, the municipality, at the applicant's request, shall  
123 proceed to process the application for approval or denial.

124 Section 4. Paragraph (b) of subsection (1) and subsection  
125 (14) of section 553.79, Florida Statutes, are amended, and  
126 paragraph (d) is added to subsection (1) of that section, to  
127 read:

128 553.79 Permits; applications; issuance; inspections.—

129 (1)

130 (b) A local enforcement agency shall post each type of  
131 building permit application, including a list of all required  
132 attachments, drawings, or any other requirement for each type of  
133 application, on its website. A local enforcement agency must  
134 post the current status of every received application on its  
135 website until the issuance of the building permit. Completed  
136 applications, including payments, attachments, drawings, or any  
137 other requirements or parts of the completed permit application,  
138 must be able to be submitted electronically to the appropriate  
139 building department. Accepted methods of electronic submission  
140 include, but are not limited to, e-mail submission of  
141 applications in Portable Document Format or submission of  
142 applications through an electronic fill-in form available on the  
143 building department's website or through a third-party  
144 submission management software. Completed applications,  
145 including payments, attachments, ~~or~~ drawings, or any other

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146 requirements or parts ~~required as part~~ of the completed permit  
147 application, may also be submitted in person in a nonelectronic  
148 format, at the discretion of the building official.

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

152 (14) A building permit for a single-family residential  
153 dwelling must be issued within 30 business ~~working~~ days of  
154 receiving the application unless ~~application therefor unless~~  
155 ~~unusual circumstances require a longer time for processing the~~  
156 ~~application or unless~~ the permit application fails to satisfy  
157 the Florida Building Code or the enforcing agency's laws or  
158 ordinances.

159 (a) If a local enforcing agency fails to issue a building  
160 permit for a single-family residential dwelling within 30  
161 business days after receiving the application, it must reduce  
162 the building permit fee by 10 percent for each day that the  
163 enforcing agency fails to meet the deadline. Each 10 percent  
164 reduction shall be based on the original amount of the building  
165 permit fee.

166 (b) A local enforcing agency does not have to reduce such  
167 fee if the enforcing agency provides written notice to the  
168 applicant, by e-mail or United States Postal Service within 30  
169 business days after receiving the application, that specifically  
170 states why the application fails to satisfy the Florida Building  
171 Code or the enforcing agency's laws or ordinances.

172 (c) The applicant has 10 business days to address the  
173 reasons specified by the local enforcing agency to submit  
174 revisions to correct the application. If the permit applicant

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175 submits revisions within 10 business days after receiving the  
176 notice, the local enforcing agency has 10 business days to  
177 approve or deny the permit unless the applicant agrees in  
178 writing to a longer period. If the local enforcing agency fails  
179 to issue or deny the building permit within 10 business days  
180 after receiving the revisions, it must reduce the permit fee by  
181 20 percent for the first day that the enforcing agency fails to  
182 meet the deadline unless the applicant agrees in writing to a  
183 longer period. For each additional business day after the first  
184 day that the enforcing agency fails to meet the deadline, the  
185 permit fee must be reduced by an additional 10 percent for each  
186 business day that the enforcing agency fails to meet the  
187 deadline, for up to 5 business days. Each reduction shall be  
188 based on the original amount of the building permit fee.

189 Section 5. Section 553.792, Florida Statutes, is amended to  
190 read:

191 553.792 Building permit application to local government.—

192 (1) (a) Within 10 days of an applicant submitting an  
193 application to the local government, the local government shall  
194 advise the applicant what information, if any, is needed to deem  
195 the application properly completed in compliance with the filing  
196 requirements published by the local government. If the local  
197 government does not provide written notice that the applicant  
198 has not submitted the properly completed application, the  
199 application shall be automatically deemed properly completed and  
200 accepted. Within 45 days after receiving a completed  
201 application, a local government must notify an applicant if  
202 additional information is required for the local government to  
203 determine the sufficiency of the application, and shall specify

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204 the additional information that is required. The applicant must  
205 submit the additional information to the local government or  
206 request that the local government act without the additional  
207 information. While the applicant responds to the request for  
208 additional information, the 120-day period described in this  
209 subsection is tolled. Both parties may agree to a reasonable  
210 request for an extension of time, particularly in the event of a  
211 force majeure ~~major~~ or other extraordinary circumstance. The  
212 local government must approve, approve with conditions, or deny  
213 the application within 120 days following receipt of a completed  
214 application.

215 (b) If a local government does not meet a deadline provided  
216 for in paragraph (a), it must reduce the building permit fee by  
217 10 percent for each business day that the enforcing agency fails  
218 to meet the deadline. Each 10 percent reduction shall be based  
219 on the original amount of the building permit fee, unless the  
220 parties agree to an extension of time.

221 (2) (a) The procedures set forth in subsection (1) apply to  
222 the following building permit applications: accessory structure;  
223 alarm permit; nonresidential buildings less than 25,000 square  
224 feet; electric; irrigation permit; landscaping; mechanical;  
225 plumbing; residential units other than a single family unit;  
226 multifamily residential not exceeding 50 units; roofing; signs;  
227 site-plan approvals and subdivision plats not requiring public  
228 hearings or public notice; and lot grading and site alteration  
229 associated with the permit application set forth in this  
230 subsection. The procedures set forth in subsection (1) do not  
231 apply to permits for any wireless communications facilities or  
232 when a law, agency rule, or local ordinance specify different



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233 timeframes for review of local building permit applications.

234 (b) If a local government has different timeframes than the  
235 procedures set forth in subsection (1) for reviewing building  
236 permit applications described in paragraph (a), the local  
237 government must meet the deadlines established by local  
238 ordinance. If a local government does not meet an established  
239 deadline to approve, approve with conditions, or deny an  
240 application, it must reduce the building permit fee by 10  
241 percent for each business day the enforcing agency fails to meet  
242 the deadline. Each 10 percent reduction shall be based on the  
243 original amount of the building permit fee, unless the parties  
244 agree to an extension of time. This paragraph does not apply to  
245 permits for any wireless communications facilities.

246 Section 6. Paragraph (c) of subsection (5) of section  
247 553.794, Florida Statutes, is amended to read:

248 553.794 Local government residential master building permit  
249 program.—

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

251 (c) The local building department must approve or deny a  
252 master building permit application within 120 days after the  
253 local building department receives a completed application,  
254 unless the applicant agrees to a longer period. If a local  
255 building department fails to approve or deny a master building  
256 permit application within 120 days after receiving the completed  
257 application, it must reduce the building permit fee by 10  
258 percent for each day the enforcing agency fails to meet the  
259 deadline, unless the applicant agrees to a longer time period.  
260 Each 10 percent reduction shall be based on the original amount  
261 of the building permit fee.

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262 Section 7. Present subsections (6) and (7) of section  
263 713.135, Florida Statutes, are redesignated as subsections (7)  
264 and (8), respectively, and a new subsection (6) is added to that  
265 section, to read:

266 713.135 Notice of commencement and applicability of lien.—

267 (6) An authority that issues building permits may not  
268 require an applicant to provide a direct contract or a contract  
269 between a contractor and any other lienor as a condition of the  
270 application for, or processing or issuance of, a building permit  
271 for the construction of improvements or for the alteration or  
272 repair of improvements on or to commercial property. This  
273 subsection does not apply to the construction of improvements or  
274 the alteration or repair of improvements owned or leased by the  
275 Federal Government; the state or any county, city, or political  
276 subdivision thereof; or other public authority.

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