

By the Committees on Governmental Oversight and Accountability;
and Community Affairs; and Senator Boyd

585-03624-21

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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 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 of 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 of 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 certain
21 surcharges to be recalculated under certain
22 conditions; amending ss. 553.792 and 553.794, F.S.;
23 requiring a local government or a local building
24 department, respectively, to reduce a building permit
25 fee or master building permit fee, as applicable, by a
26 specified percentage for failing to meet certain
27 deadlines; providing exceptions; requiring certain
28 surcharges to be recalculated under certain
29 conditions; making technical changes; amending s.

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30 713.135, F.S.; prohibiting authorities from requiring
31 applicants to provide certain contracts as a condition
32 of receiving a building permit; providing
33 applicability; providing an effective date.
34

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

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

39 125.022 Development permits and orders.—

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

45 (b) If a county makes a request for additional information
46 and the applicant submits the required additional information
47 within 30 days after receiving the request, the county must
48 review the application for completeness and issue a letter
49 indicating that all required information has been submitted or
50 specify with particularity any areas that are deficient within
51 30 days after receiving the additional information.

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

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59 information.

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

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

75 Section 2. Paragraph (b) of subsection (4) of section
76 125.56, Florida Statutes, is amended, and paragraph (f) is added
77 to that subsection, to read:

78 125.56 Enforcement and amendment of the Florida Building
79 Code and the Florida Fire Prevention Code; inspection fees;
80 inspectors; etc.—

81 (4)

82 (b) A county that issues building permits shall post each
83 type of building permit application, including a list of all
84 required attachments, drawings, or other requirements for each
85 type of application, on its website. A county must post and
86 update the status of every received application on its website
87 until the issuance of the building permit. Completed

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88 applications, including payments, attachments, drawings, or
89 other requirements or parts of the completed permit application,
90 must be able to be submitted electronically to the county
91 building department. Accepted methods of electronic submission
92 include, but are not limited to, e-mail submission of
93 applications in Portable Document Format or submission of
94 applications through an electronic fill-in form available on the
95 building department's website or through a third-party
96 submission management software. Completed applications,
97 including payments, attachments, ~~or~~ drawings, or other
98 requirements or parts ~~required as part~~ of the completed permit
99 application, may also be submitted in person in a nonelectronic
100 format, at the discretion of the building official.

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

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

106 166.033 Development permits and orders.—

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

112 (b) If a municipality makes a request for additional
113 information and the applicant submits the required additional
114 information within 30 days after receiving the request, the
115 municipality must review the application for completeness and
116 issue a letter indicating that all required information has been

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117 submitted or specify with particularity any areas that are
118 deficient within 30 days after receiving the additional
119 information.

120 (c) If a municipality makes a second request for additional
121 information and the applicant submits the required additional
122 information within 30 days after receiving the request, the
123 municipality must review the application for completeness and
124 issue a letter indicating that all required information has been
125 submitted or specify with particularity any areas that are
126 deficient within 10 days after receiving the additional
127 information.

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

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

143 Section 4. Paragraph (b) of subsection (1) and subsection
144 (14) of section 553.79, Florida Statutes, are amended, and
145 paragraph (d) is added to subsection (1) of that section, to

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146 read:

147 553.79 Permits; applications; issuance; inspections.-

148 (1)

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

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

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

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175 ~~application or unless~~ the permit application fails to satisfy
176 the Florida Building Code or the enforcing agency's laws or
177 ordinances.

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

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

196 (c) The applicant has 10 business days after receiving the
197 written notice to address the reasons specified by the local
198 enforcement agency and submit revisions to correct the permit
199 application. If the applicant submits revisions within 10
200 business days after receiving the written notice, the local
201 enforcement agency has 10 business days after receiving such
202 revisions to approve or deny the building permit unless the
203 applicant agrees to a longer period in writing. If the local

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

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

218 Section 5. Section 553.792, Florida Statutes, is amended to
219 read:

220 553.792 Building permit application to local government.—

221 (1)(a) Within 10 days of an applicant submitting an
222 application to the local government, the local government shall
223 advise the applicant what information, if any, is needed to deem
224 the application properly completed in compliance with the filing
225 requirements published by the local government. If the local
226 government does not provide written notice that the applicant
227 has not submitted the properly completed application, the
228 application shall be automatically deemed properly completed and
229 accepted. Within 45 days after receiving a completed
230 application, a local government must notify an applicant if
231 additional information is required for the local government to
232 determine the sufficiency of the application, and shall specify

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233 the additional information that is required. The applicant must
234 submit the additional information to the local government or
235 request that the local government act without the additional
236 information. While the applicant responds to the request for
237 additional information, the 120-day period described in this
238 subsection is tolled. Both parties may agree to a reasonable
239 request for an extension of time, particularly in the event of a
240 force majeure ~~major~~ or other extraordinary circumstance. The
241 local government must approve, approve with conditions, or deny
242 the application within 120 days following receipt of a completed
243 application.

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

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

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262 timeframes for review of local building permit applications.

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

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

279 Section 6. Paragraph (c) of subsection (5) of section
280 553.794, Florida Statutes, is amended to read:

281 553.794 Local government residential master building permit
282 program.—

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

284 (c) The local building department must approve or deny a
285 master building permit application within 120 days after the
286 local building department receives a completed application,
287 unless the applicant agrees to a longer period. If a local
288 building department fails to approve or deny a master building
289 permit application within 120 days after receiving the completed
290 permit application, it must reduce the master building permit

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291 fee by 10 percent for each business day that it fails to meet
292 the deadline, unless the applicant agrees to a longer time
293 period. Each 10 percent reduction shall be based on the original
294 amount of the master building permit fee. If any master building
295 permit fees are refunded, the surcharges provided in s. 468.631
296 or s. 553.721 must be recalculated based on the amount of the
297 master building permit fees after the refund.

298 Section 7. Present subsections (6) and (7) of section
299 713.135, Florida Statutes, are redesignated as subsections (7)
300 and (8), respectively, and a new subsection (6) is added to that
301 section, to read:

302 713.135 Notice of commencement and applicability of lien.—

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

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