

1 A bill to be entitled  
2 An act relating to local government land development  
3 actions; amending ss. 125.022 and 166.033, F.S.;  
4 specifying the deficiencies which a county or  
5 municipality, respectively, may provide comments on  
6 regarding applications for development permits or  
7 development orders; amending s. 163.3202, F.S.;  
8 requiring local governments to adopt residential  
9 infill development standards by a specified date;  
10 providing a description of the term "residential  
11 infill development;" providing guidelines to be used  
12 by local governments in developing residential infill  
13 development standards; requiring local governments to  
14 adopt regulations to be used by applicants seeking  
15 areas to be designated as a residential infill  
16 development; prohibiting a local government from  
17 approving applications with many deficiencies;  
18 prohibiting a local government from denying  
19 applications if the applicant has generally complied  
20 with the regulations; providing appeal procedures;  
21 requiring local governments to amend their development  
22 regulations and comprehensive plans to incorporate  
23 residential infill developments as zoning  
24 classifications; amending s. 553.792, F.S.; specifying  
25 the deficiencies over which a local government may

26 | provide comments or request information on regarding  
 27 | applications for building permits; providing an  
 28 | effective date.

30 | Be It Enacted by the Legislature of the State of Florida:

32 | Section 1. Subsection (1) of section 125.022, Florida  
 33 | Statutes, is amended to read:

34 | 125.022 Development permits and orders.—

35 | (1) (a) Within 30 days after receiving an application for  
 36 | approval of a development permit or development order, a county  
 37 | must review the application for completeness and issue a letter  
 38 | indicating that all required information is submitted or  
 39 | specifying with particularity any areas that are deficient. If  
 40 | the application is deficient, the applicant has 30 days to  
 41 | address the deficiencies by submitting the required additional  
 42 | information.

43 | (b) Once the applicant has provided responses concerning  
 44 | the areas that were deficient, the county may only provide  
 45 | additional comments on the deficiencies that are directly  
 46 | related to the deficiencies that were identified during the  
 47 | first review period or that directly address the responses given  
 48 | by the applicant. The county may also make additional comments  
 49 | as a result of new information submitted by the applicant.

50 | (c) Within 120 days after the county has deemed the

51 application complete, or 180 days for applications that require  
52 final action through a quasi-judicial hearing or a public  
53 hearing, the county must approve, approve with conditions, or  
54 deny the application for a development permit or development  
55 order. Both parties may agree to a reasonable request for an  
56 extension of time, particularly in the event of a force majeure  
57 or other extraordinary circumstance. An approval, approval with  
58 conditions, or denial of the application for a development  
59 permit or development order must include written findings  
60 supporting the county's decision. The timeframes contained in  
61 this subsection do not apply in an area of critical state  
62 concern, as designated in s. 380.0552.

63 Section 2. Subsection (1) of section 166.033, Florida  
64 Statutes, is amended to read:

65 166.033 Development permits and orders.—

66 (1) (a) Within 30 days after receiving an application for  
67 approval of a development permit or development order, a  
68 municipality must review the application for completeness and  
69 issue a letter indicating that all required information is  
70 submitted or specifying with particularity any areas that are  
71 deficient. If the application is deficient, the applicant has 30  
72 days to address the deficiencies by submitting the required  
73 additional information.

74 (b) Once the applicant has provided responses concerning  
75 the areas that were deficient, the municipality may only provide

76 additional comments on the deficiencies that are directly  
 77 related to the deficiencies that were identified during the  
 78 first review period or that directly address the responses given  
 79 by the applicant. The municipality may also make additional  
 80 comments as a result of new information submitted by the  
 81 applicant.

82 (c) Within 120 days after the municipality has deemed the  
 83 application complete, or 180 days for applications that require  
 84 final action through a quasi-judicial hearing or a public  
 85 hearing, the municipality must approve, approve with conditions,  
 86 or deny the application for a development permit or development  
 87 order. Both parties may agree to a reasonable request for an  
 88 extension of time, particularly in the event of a force majeure  
 89 or other extraordinary circumstance. An approval, approval with  
 90 conditions, or denial of the application for a development  
 91 permit or development order must include written findings  
 92 supporting the municipality's decision. The timeframes contained  
 93 in this subsection do not apply in an area of critical state  
 94 concern, as designated in s. 380.0552 or chapter 28-36, Florida  
 95 Administrative Code.

96 Section 3. Subsection (7) is added to section 163.3202,  
 97 Florida Statutes, to read:

98 163.3202 Land development regulations.—

99 (7) Each local government must adopt residential infill  
 100 development standards in its land use regulations by October 1,

101 2022, to ensure a uniform process for new development. The  
102 residential infill development standards must be considered in  
103 local decisionmaking.

104 (a) A residential infill development is an important  
105 component and useful mechanism for a local government to promote  
106 redevelopment and revitalization. A residential infill  
107 development is not intended to promote the premature subdivision  
108 of land which exceeds the average densities of the immediate  
109 vicinity and produces excessively smaller lots than those found  
110 on surrounding parcels, but should consider the current land  
111 development patterns within the immediate vicinity. Residential  
112 infill developments are intended to aid in the revitalization of  
113 existing communities by encouraging consistent and compatible  
114 redevelopment and to promote reinvestment in established  
115 neighborhoods and cure blighted parcels. For purposes of this  
116 subsection, a "residential infill development" is an area  
117 consisting of a development or subdivision of land designated as  
118 such by a local government wherein the dimensional requirements  
119 of the land use district are relaxed and the local government  
120 review process is expedited.

121 (b) Local governments must use the following guidelines in  
122 developing the residential infill development standards:

123 1. The size of the land development or subdivision may be  
124 below the minimum dimensional requirements of the land use  
125 category in which it is located.

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126       2. A residential infill development may not exceed the  
127 maximum allowable density established by the local government's  
128 comprehensive plan.

129       3. A residential infill development area must be located  
130 in an area with a defined development pattern.

131       4. A residential infill development area must be located  
132 within one or more residential suburban or residential low land  
133 use districts.

134       5. A residential infill development area must be located  
135 in an area with sufficient services to avoid future public  
136 service deficiencies. A local government, in reviewing an  
137 application for a residential infill development, shall consider  
138 the availability of schools, public water, public sewer, road  
139 capacities, law enforcement protection, fire protection,  
140 emergency medical service, and reasonable proximity to public  
141 parks.

142       6. A residential infill development may be allowed on a  
143 parcel that is adjacent to similar development.

144       7. Lots within a residential infill development must be at  
145 least as large as the average lot size in the immediate  
146 vicinity.

147       8. Building setbacks may be greater than or equal to the  
148 average building setback found on abutting parcels. Building  
149 setbacks may also be consistent with the dimensional  
150 requirements of the land use district as specified in the local

151 government's land development code.

152 9. If a residential infill development abuts a roadway  
 153 stub-out, the new roadways built must connect to the roadway  
 154 stub-out.

155 10. Stormwater retention facilities within a residential  
 156 infill development may not be constructed to degrade or  
 157 adversely affect the existing character of the immediate  
 158 vicinity.

159 11. A residential infill development may not be larger  
 160 than 120 acres. Developments shall not be phased or  
 161 incrementally expanded with the intent to circumvent the acreage  
 162 limit.

163 12 Building types within the residential infill  
 164 development may only include types that exist on any parcel in  
 165 the immediate vicinity, but may not include mobile homes.

166 (c) Each local government must adopt guidelines to be used  
 167 by applicants seeking designations as residential infill  
 168 developments. The regulations must provide procedures for the  
 169 review of applications. The regulations must require that the  
 170 applicant:

171 1 Consider whether the residential infill development  
 172 recognizes the surrounding pattern of development and whether  
 173 the residential infill development is contrary to the density  
 174 and dimensional requirements of land tracts that abut the  
 175 development.

176        2. Consider the surrounding pattern of development,  
177 including existing road layout, densities, lot sizes, and  
178 setbacks of parcels and developments that abut the subject site.

179        3. Check the appropriate statements regarding the  
180 provision of potable water, sewer, public parks, public schools,  
181 traffic capacity, and public roadways, using a checklist similar  
182 to the following:

183  
184        [ ] The residential infill development connects to  
185 central water and sewer.

186        [ ] No objection from law enforcement does not object  
187 to the residential infill development.

188        [ ] The residential infill development is within the  
189 average response time of the local government fire and  
190 emergency medical services.

191        [ ] At least one park or playground is located within  
192 2 miles of the residential infill development.

193        [ ] The schools are operating at adequate capacity for  
194 the residential infill development or concurrency  
195 provisions have been made to ensure adequate capacity.

196        [ ] The roads within the residential infill  
197 development will be constructed to follow the existing  
198 roadway network found in the immediate vicinity. New  
199 roads will be required to connect to stub-outs that  
200 were originally constructed to connect new development



201 with existing developments.

202 [ ] The sidewalks within the residential infill

203 development will be installed along one side of

204 collector and arterial roads when existing sidewalk

205 infrastructure is located within 100 feet of the

206 development.

207 [ ] Minimum lot sizes will be determined by the

208 average lot size of parcels in the immediate vicinity

209 or at least 5,500 square feet, whichever is greater.

210 [ ] Infill development will be either determined by

211 the dimensional requirements established for the land

212 use district in which the site is located or determined

213 by the average setback and height of existing

214 structures on parcels in the immediate vicinity.

215

216 (d)1. A local government may not approve an application as

217 a residential infill development if it contains many

218 deficiencies. Where deficiencies exist, the applicant bears the

219 burden to prove the benefits of the residential infill

220 development outweigh the deficiencies in services.

221 2. A local government may not deny an applicant's request

222 for designation as a residential infill development if the

223 applicant has complied with the general intent and development

224 standards of this subsection.

225 (e) An applicant may appeal a denial of an application to

226 a local government planning commission. Appeals to a local  
227 government planning commission shall follow a local government  
228 planning commission's rule and regulations.

229 (f) Each local government must amend its development  
230 regulations to include residential infill development as a  
231 zoning classification and must incorporate it as an appropriate  
232 land use classification under the local government comprehensive  
233 plan.

234 Section 4. Paragraph (a) of subsection (1) of section  
235 553.792, Florida Statutes, is amended and paragraph (c) is added  
236 to subsection (2) of that section, to read:

237 553.792 Building permit application to local government.—

238 (1)(a) Within 10 days after ~~of~~ an applicant submits  
239 ~~submitting~~ an application to the local government, the local  
240 government shall advise the applicant what information, if any,  
241 is needed to deem the application properly completed in  
242 compliance with the filing requirements published by the local  
243 government. If the local government does not provide written  
244 notice that the applicant has not submitted the properly  
245 completed application, the application shall be automatically  
246 deemed properly completed and accepted. Within 45 days after  
247 receiving a completed application, a local government must  
248 notify an applicant if additional information is required for  
249 the local government to determine the sufficiency of the  
250 application, and shall specify the additional information that

251 is required. However, the local government may only request more  
252 information on the additional information provided to the local  
253 government by the applicant and may not make new comments on the  
254 original application. The applicant must submit the additional  
255 information to the local government or request that the local  
256 government act without the additional information. While the  
257 applicant responds to the request for additional information,  
258 the 120-day period described in this subsection is tolled. Both  
259 parties may agree to a reasonable request for an extension of  
260 time, particularly in the event of a force majeure or other  
261 extraordinary circumstance. The local government must approve,  
262 approve with conditions, or deny the application within 120 days  
263 after ~~following~~ receipt of a completed application.

264 (2)

265 (c) Notwithstanding any local ordinance that may otherwise  
266 apply to the contrary, if an applicant provides additional  
267 information based on deficiencies identified by the local  
268 government in the application, the local government may only  
269 provide additional comments that are directly related to the  
270 deficiencies that were identified during the first review period  
271 or that directly address the responses given by the applicant.  
272 The local government may also make additional comments as a  
273 result of new information submitted by the applicant.

274 Section 5. This act shall take effect July 1, 2022.