

By Senator DiCeglie

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1 A bill to be entitled
2 An act relating to residential building permits;
3 amending s. 553.79, F.S.; deleting provisions relating
4 to issuing building permits for certain residential
5 dwellings; amending s. 553.791, F.S.; requiring a
6 local jurisdiction to reduce permit fees by a
7 specified percentage under certain circumstances;
8 amending s. 553.792, F.S.; revising the timeframes for
9 approving or denying certain building permits;
10 revising how many times a local government may request
11 additional information from an applicant; specifying
12 when a permit application is deemed complete and
13 sufficient; revising the actions a local government
14 must take after receiving specified information;
15 requiring local governments to offer certain
16 applicants the opportunity to meet in person or
17 electronically; providing requirements for such
18 meetings; reducing permit fees by a certain percentage
19 if certain timeframes are not met; authorizing both
20 parties to extend certain timeframes under certain
21 circumstances; specifying that the permit requirements
22 apply to single-family residential units and single-
23 family residential dwellings; requiring local
24 governments to follow the prescribed timeframes unless
25 the local ordinance is more stringent; conforming
26 provisions to changes made by the act; amending s.
27 440.103, F.S.; conforming a cross-reference; providing
28 an effective date.
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30 Be It Enacted by the Legislature of the State of Florida:

31
32 Section 1. Subsection (16) of section 553.79, Florida
33 Statutes, is amended to read:

34 553.79 Permits; applications; issuance; inspections.-

35 ~~(16) Except as provided in paragraph (c), a building permit~~
36 ~~for a single-family residential dwelling must be issued within~~
37 ~~30 business days after receiving the permit application unless~~
38 ~~the permit application fails to satisfy the Florida Building~~
39 ~~Code or the enforcing agency's laws or ordinances.~~

40 ~~(a) If a local enforcement agency fails to issue a building~~
41 ~~permit for a single-family residential dwelling within 30~~
42 ~~business days after receiving the permit application, it must~~
43 ~~reduce the building permit fee by 10 percent for each business~~
44 ~~day that it fails to meet the deadline. Each 10 percent~~
45 ~~reduction shall be based on the original amount of the building~~
46 ~~permit fee.~~

47 ~~(b) A local enforcement agency does not have to reduce the~~
48 ~~building permit fee if it provides written notice to the~~
49 ~~applicant, by e-mail or United States Postal Service, within 30~~
50 ~~business days after receiving the permit application, that~~
51 ~~specifically states the reasons the permit application fails to~~
52 ~~satisfy the Florida Building Code or the enforcing agency's laws~~
53 ~~or ordinances. The written notice must also state that the~~
54 ~~applicant has 10 business days after receiving the written~~
55 ~~notice to submit revisions to correct the permit application and~~
56 ~~that failure to correct the application within 10 business days~~
57 ~~will result in a denial of the application.~~

58 ~~(c) The applicant has 10 business days after receiving the~~

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59 ~~written notice to address the reasons specified by the local~~
60 ~~enforcement agency and submit revisions to correct the permit~~
61 ~~application. If the applicant submits revisions within 10~~
62 ~~business days after receiving the written notice, the local~~
63 ~~enforcement agency has 10 business days after receiving such~~
64 ~~revisions to approve or deny the building permit unless the~~
65 ~~applicant agrees to a longer period in writing. If the local~~
66 ~~enforcement agency fails to issue or deny the building permit~~
67 ~~within 10 business days after receiving the revisions, it must~~
68 ~~reduce the building permit fee by 20 percent for the first~~
69 ~~business day that it fails to meet the deadline unless the~~
70 ~~applicant agrees to a longer period in writing. For each~~
71 ~~additional business day, but not to exceed 5 business days, that~~
72 ~~the local enforcement agency fails to meet the deadline, the~~
73 ~~building permit fee must be reduced by an additional 10 percent.~~
74 ~~Each reduction shall be based on the original amount of the~~
75 ~~building permit fee.~~

76 ~~(d) If any building permit fees are refunded under this~~
77 ~~subsection, the surcharges provided in s. 468.631 or s. 553.721~~
78 ~~must be recalculated based on the amount of the building permit~~
79 ~~fees after the refund.~~

80 ~~(e) A building permit for a single-family residential~~
81 ~~dwelling applied for by a contractor licensed in this state on~~
82 ~~behalf of a property owner who participates in a Community~~
83 ~~Development Block Grant-Disaster Recovery program administered~~
84 ~~by the Department of Economic Opportunity must be issued within~~
85 ~~15 working days after receipt of the application unless the~~
86 ~~permit application fails to satisfy the Florida Building Code or~~
87 ~~the enforcing agency's laws or ordinances.~~

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88 Section 2. Paragraph (b) of subsection (2) of section
89 553.791, Florida Statutes, is amended to read:

90 553.791 Alternative plans review and inspection.—

91 (2)

92 (b) If an owner or contractor retains a private provider
93 for purposes of plans review or building inspection services,
94 the local jurisdiction must reduce the permit fee by 75 percent
95 ~~the amount of cost savings realized by the local enforcement~~
96 ~~agency for not having to perform such services. Such reduction~~
97 ~~may be calculated on a flat fee or percentage basis, or any~~
98 ~~other reasonable means by which a local enforcement agency~~
99 ~~assesses the cost for its plans review or inspection services.~~
100 The local jurisdiction may not charge fees for building
101 inspections if the fee owner or contractor hires a private
102 provider to perform such services; however, the local
103 jurisdiction may charge a reasonable administrative fee, which
104 must ~~shall~~ be based on the cost that is actually incurred,
105 including the labor cost of the personnel providing the service,
106 by the local jurisdiction or attributable to the local
107 jurisdiction for the clerical and supervisory assistance
108 required, or both.

109 Section 3. Subsections (1) and (2) of section 553.792,
110 Florida Statutes, are amended to read:

111 553.792 Building permit application to local government.—

112 (1) (a) After ~~Within 10 days of~~ an applicant submits
113 ~~submitting~~ an application to the local government, the local
114 government must provide written notice to the applicant within 3
115 calendar days after receipt of the application advising ~~shall~~
116 ~~advise~~ the applicant what information, if any, is needed to deem

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117 the application properly completed in compliance with the filing
118 requirements published by the local government. If the local
119 government does not provide timely written notice that the
120 applicant has not submitted a ~~the~~ properly completed
121 application, the application is ~~shall be~~ automatically deemed
122 properly completed and sufficient ~~accepted~~.

123 (b) Within 9 ~~calendar~~ 45 days after receiving a completed
124 application, a local government must provide written notice to
125 ~~notify~~ an applicant if additional information is required for
126 the local government to determine the sufficiency of the
127 application, and the notice must ~~shall~~ specify the additional
128 information that is required. The applicant may ~~must~~ submit the
129 additional information to the local government or request that
130 the local government act without the additional information.
131 ~~While the applicant responds to the request for additional~~
132 ~~information, the 120-day period described in this subsection is~~
133 ~~tolled. Both parties may agree to a reasonable request for an~~
134 ~~extension of time, particularly in the event of a force majeure~~
135 ~~or other extraordinary circumstance. The local government must~~
136 ~~approve, approve with conditions, or deny the application within~~
137 ~~120 days following receipt of a completed application.~~

138 (c)1. ~~(b)1.~~ When reviewing an application for a building
139 permit, a local government may not request additional
140 information from the applicant more than two ~~three~~ times, unless
141 the applicant waives such limitation in writing.

142 2. If a local government requests additional information
143 from an applicant and the applicant submits the requested
144 additional information to the local government ~~within 30 days~~
145 ~~after receiving the request~~, the local government must, within 9

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146 calendar ~~15~~ days after receiving such information:

- 147 a. Determine if the application is properly completed;
- 148 b. Approve the application;
- 149 c. Approve the application with conditions; or
- 150 ~~d. Deny the application; or~~
- 151 ~~e. Advise the applicant in writing of information needed,~~
- 152 ~~if any, that is needed to deem the application properly~~
- 153 ~~completed or to determine the sufficiency of the application.~~

154 3. ~~If a local government makes a second request for~~

155 ~~additional information from the applicant and the applicant~~

156 ~~submits the requested additional information to the local~~

157 ~~government within 30 days after receiving the request, the local~~

158 ~~government must, within 10 days after receiving such~~

159 ~~information:~~

- 160 ~~a. Determine if the application is properly completed;~~
- 161 ~~b. Approve the application;~~
- 162 ~~c. Approve the application with conditions;~~
- 163 ~~d. Deny the application; or~~
- 164 ~~e. Advise the applicant of information, if any, that is~~
- 165 ~~needed to deem the application properly completed or to~~
- 166 ~~determine the sufficiency of the application.~~

167 4. Before a second ~~third~~ request for additional information

168 may be made, the local government must offer the applicant ~~must~~

169 ~~be offered~~ an opportunity to meet in person or electronically

170 with the local government to attempt to resolve outstanding

171 issues. The in-person or electronic meeting must occur within 5

172 calendar days after the applicant notifies the local government

173 in writing that he or she wants to meet unless the applicant

174 agrees to a longer time period in writing.

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175 4. If a local government makes a second ~~third~~ request for
176 additional information from the applicant and the applicant
177 submits the requested additional information to the local
178 government ~~within 30 days after receiving the request~~, the local
179 government must, within 9 calendar ~~10~~ days after receiving such
180 information unless the applicant waived the local government's
181 time limitation in writing, determine that the application is
182 complete and:

183 a. Approve the application;

184 b. Approve the application with conditions; or

185 c. Deny the application and state the sufficient reason for
186 denial.

187 5. If the applicant believes the request for additional
188 information is not authorized by ordinance, rule, statute, or
189 other legal authority, the local government, at the applicant's
190 written request, must process the application within 9 calendar
191 days after receipt of the request and ~~either~~ approve the
192 application, approve the application with conditions, or deny
193 the application.

194 6. If a local government does not notify the applicant that
195 the application is approved, approved with conditions, or denied
196 within 9 calendar days after the local government receives the
197 additional information requested under subparagraph 4., the
198 application is deemed approved.

199 (d) The following timeframes apply for single-family or
200 two-family dwellings or townhomes located within a master plan
201 community for which the permit for the master plan community has
202 already been approved under s. 553.794:

203 1. After an applicant submits an application to the local

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204 government, the local government must provide written notice to
205 the applicant within 1 calendar day after receipt of the
206 application advising the applicant what information, if any, is
207 needed to deem the application properly completed in compliance
208 with the filing requirements published by the local government.
209 If the local government does not provide timely written notice
210 that the applicant has not submitted a properly completed
211 application, the application is automatically deemed properly
212 completed and approved.

213 2. Within 5 calendar days after receiving a completed
214 application, a local government must provide written notice to
215 an applicant if additional information is required for the local
216 government to determine the sufficiency of the application, and
217 the notice must specify the additional information that is
218 required. The applicant may submit the additional information to
219 the local government or request that the local government act
220 without the additional information.

221 3. When reviewing an application under this paragraph, a
222 local government may not request additional information from the
223 applicant more than once, unless the applicant waives such
224 limitation in writing.

225 4. If a local government requests additional information
226 from the applicant and the applicant submits the requested
227 additional information to the local government, the local
228 government must, within 5 calendar days after receiving such
229 information unless the applicant waived the local government's
230 time limitation in writing, determine that the application is
231 complete and:

232 a. Approve the application;

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233 b. Approve the application with conditions; or

234 c. Deny the application.

235 5. If a local government does not notify the applicant that
236 the application is approved, approved with conditions, or denied
237 within 5 calendar days after the local government receives the
238 additional information requested under subparagraph 4., the
239 application is deemed approved.

240 6. If an owner or contractor retains a private provider for
241 purposes of plans review, the timeframes in subparagraphs 2.,
242 4., and 5. are reduced to 3 calendar days.

243 (e) A building permit for a single-family residential
244 dwelling applied for by a contractor licensed in this state on
245 behalf of a property owner who participates in a Community
246 Development Block Grant-Disaster Recovery program administered
247 by the Department of Economic Opportunity must be issued within
248 9 calendar days after receipt of the application unless the
249 permit application fails to satisfy the Florida Building Code or
250 the enforcing agency's laws or ordinances.

251 (f) ~~(e)~~ If a local government fails to meet a deadline set
252 under this subsection ~~provided in paragraphs (a) and (b)~~, it
253 must reduce the building permit fee by 10 percent for each
254 calendar ~~business~~ day that it fails to meet the deadline, unless
255 the parties agree in writing to a reasonable extension of time.
256 Each 10-percent reduction shall be based on the original amount
257 of the building permit fee, unless the parties agree to an
258 extension of time.

259 (2) (a) The procedures set forth in subsection (1) apply to
260 the following building permit applications: accessory structure;
261 alarm permit; nonresidential buildings less than 25,000 square

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262 feet; electric; irrigation permit; landscaping; mechanical;
263 plumbing; residential units, including other than a single-
264 family residential single-family unit or a single-family
265 residential dwelling; multifamily residential not exceeding 50
266 units; roofing; signs; site-plan approvals and subdivision plats
267 not requiring public hearings or public notice; and lot grading
268 and site alteration associated with the permit application set
269 forth in this subsection. The procedures set forth in subsection
270 (1) do not apply to permits for any wireless communications
271 facilities ~~or when a law, agency rule, or local ordinance~~
272 ~~specify different timeframes for review of local building permit~~
273 ~~applications.~~

274 (b) ~~If~~ A local government must meet ~~has different~~
275 ~~timeframes than~~ the timeframes set forth in subsection (1) for
276 reviewing building permit applications described in paragraph
277 (a) unless the timeframes set, ~~the local government must meet~~
278 ~~the deadlines established by local ordinance are more stringent~~
279 than those prescribed in subsection (1). ~~If a local government~~
280 ~~does not meet an established deadline to approve, approve with~~
281 ~~conditions, or deny an application, it must reduce the building~~
282 ~~permit fee by 10 percent for each business day that it fails to~~
283 ~~meet the deadline. Each 10-percent reduction shall be based on~~
284 ~~the original amount of the building permit fee, unless the~~
285 ~~parties agree to an extension of time. This paragraph does not~~
286 ~~apply to permits for any wireless communications facilities.~~

287 Section 4. Section 440.103, Florida Statutes, is amended to
288 read:

289 440.103 Building permits; identification of minimum premium
290 policy.—Every employer shall, as a condition to applying for and

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291 receiving a building permit, show proof and certify to the
292 permit issuer that it has secured compensation for its employees
293 under this chapter as provided in ss. 440.10 and 440.38. Such
294 proof of compensation must be evidenced by a certificate of
295 coverage issued by the carrier, a valid exemption certificate
296 approved by the department, or a copy of the employer's
297 authority to self-insure and shall be presented, electronically
298 or physically, each time the employer applies for a building
299 permit. As provided in s. 553.79(22) ~~s. 553.79(23)~~, for the
300 purpose of inspection and record retention, site plans or
301 building permits may be maintained at the worksite in the
302 original form or in the form of an electronic copy. These plans
303 and permits must be open to inspection by the building official
304 or a duly authorized representative, as required by the Florida
305 Building Code. As provided in s. 627.413(5), each certificate of
306 coverage must show, on its face, whether or not coverage is
307 secured under the minimum premium provisions of rules adopted by
308 rating organizations licensed pursuant to s. 627.221. The words
309 "minimum premium policy" or equivalent language shall be typed,
310 printed, stamped, or legibly handwritten.

311 Section 5. This act shall take effect July 1, 2023.