

1 A bill to be entitled
2 An act relating to building permit applications to
3 local governments; amending s. 553.792, F.S.;
4 requiring a local government to post and update
5 certain information on its website; requiring
6 electronic submission of an application; providing an
7 exception; authorizing a local government to provide
8 notice of expiration within a specified timeframe;
9 prohibiting a local government from issuing a permit
10 unless specified information is included with the
11 permit and provided to the applicant; revising the
12 application process; revising the timeframes during
13 which a local government must request additional
14 information and approve or deny an application;
15 prohibiting a local government from requesting
16 additional information from, and imposing additional
17 requirements on, an applicant other than those posted
18 on its website; deleting a local government's ability
19 to request additional information up to three times
20 and to prescribe different timeframes for reviewing
21 applications; revising the amount by which a permit
22 fee must be reduced in certain instances; providing
23 applicability; providing for enforcement; providing a
24 limitation on a specified fee; amending ss. 125.56 and
25 553.79, F.S.; making conforming changes; providing an

26 | effective date.

27 |

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

29 |

30 | Section 1. Section 553.792, Florida Statutes, is amended
31 | to read:

32 | 553.792 Building permits; applications ~~permit application~~
33 | to local government; simplified permitting process;
34 | enforcement.—

35 | (1)(a) A local government that issues building permits
36 | shall post the following information on its website:

37 | 1. Each type of building permit application, including a
38 | list of all required attachments, drawings, or other
39 | requirements or parts for each type of application. A local
40 | government must post and update the status of every received
41 | application on its website until the issuance of the building
42 | permit. Completed applications, including payments, attachments,
43 | drawings, or other requirements or parts, must be able to be
44 | submitted electronically to the local government's building
45 | department. Accepted methods of electronic submission include,
46 | but are not limited to, e-mail submission in Portable Document
47 | Format or electronic submission through an electronic fill-in
48 | form available on the local government's website or through a
49 | third-party submission management software or application that
50 | can be downloaded on a mobile device. Completed applications,

51 including payments, attachments, drawings, or other requirements
52 or parts, may also be submitted in nonelectronic format at the
53 discretion of the local government.

54 2. The local government's procedures for processing,
55 reviewing, and approving submitted applications.

56 3. The local government's schedule of reasonable fees, as
57 authorized by s. 125.56(2), s. 166.222, or s. 553.80, and its
58 building permit and inspection utilization report required under
59 s. 553.80(7).

60 (b) A local government that issues building permits may
61 send a written notice of expiration, by e-mail or United States
62 Postal Service, to the owner of the property and the contractor
63 listed on the permit no less than 60 days before the permit is
64 set to expire. The written notice must identify the permit that
65 is set to expire and the date on which the permit will expire.

66 (c) A local government may not issue a building permit
67 unless:

68 1. The permit includes on its face or there is attached to
69 the permit the following statement: "NOTICE: In addition to the
70 requirements of this permit, there may be additional
71 restrictions applicable to this property that may be found in
72 the public records, and there may be additional permits required
73 from other governmental entities such as water management
74 districts, state agencies, or federal agencies."

75 2. The local government provides the building permit

HB 765

2023

76 | applicant with a copy of the Florida Right to Farm Act under s.
77 | 823.14.

78 | (2)-(1)(a) Within 10 days after ~~of~~ an applicant submits
79 | ~~submitting~~ an application to the local government, the local
80 | government shall advise the applicant what information, if any,
81 | is needed to deem the application properly completed in
82 | compliance with the filing requirements posted ~~published~~ by the
83 | local government on its website. If the local government does
84 | not provide written notice that the applicant has not submitted
85 | the properly completed application, the application shall be
86 | automatically deemed properly completed and accepted. Within 30
87 | ~~45~~ days after receiving a completed application, a local
88 | government must notify an applicant if additional information is
89 | required for the local government to determine the sufficiency
90 | of the application, and shall specify the additional information
91 | that is required. The applicant must submit the additional
92 | information to the local government or request that the local
93 | government act without the additional information. While the
94 | applicant responds to the request for additional information,
95 | the 90-day ~~120-day~~ period described in this paragraph ~~subsection~~
96 | is tolled. Both parties may agree to a reasonable request for an
97 | extension of time, particularly in the event of a force majeure
98 | or other extraordinary circumstance. The local government must
99 | approve, ~~approve with conditions,~~ or deny the application within
100 | 90 ~~120~~ days following receipt of a completed application.

101 (b)~~1~~. When reviewing an application for a building permit
 102 pursuant to paragraph (a), a local government may not request
 103 any additional information from or impose any additional
 104 requirements on an the applicant other than the information and
 105 requirements posted on the local government's website more than
 106 ~~three times, unless the applicant waives such limitation in~~
 107 ~~writing.~~

108 ~~2. If a local government requests additional information~~
 109 ~~from an applicant and the applicant submits the requested~~
 110 ~~additional information to the local government within 30 days~~
 111 ~~after receiving the request, the local government must, within~~
 112 ~~15 days after receiving such information:~~

- 113 ~~a. Determine if the application is properly completed;~~
- 114 ~~b. Approve the application;~~
- 115 ~~c. Approve the application with conditions;~~
- 116 ~~d. Deny the application; or~~
- 117 ~~e. Advise the applicant of information, if any, that is~~
 118 ~~needed to deem the application properly completed or to~~
 119 ~~determine the sufficiency of the application.~~

120 ~~3. If a local government makes a second request for~~
 121 ~~additional information from the applicant and the applicant~~
 122 ~~submits the requested additional information to the local~~
 123 ~~government within 30 days after receiving the request, the local~~
 124 ~~government must, within 10 days after receiving such~~
 125 ~~information:~~

126 ~~a. Determine if the application is properly completed;~~
 127 ~~b. Approve the application;~~
 128 ~~c. Approve the application with conditions;~~
 129 ~~d. Deny the application; or~~
 130 ~~e. Advise the applicant of information, if any, that is~~
 131 ~~needed to deem the application properly completed or to~~
 132 ~~determine the sufficiency of the application.~~

133 ~~4. Before a third request for additional information may~~
 134 ~~be made, the applicant must be offered an opportunity to meet~~
 135 ~~with the local government to attempt to resolve outstanding~~
 136 ~~issues. If a local government makes a third request for~~
 137 ~~additional information from the applicant and the applicant~~
 138 ~~submits the requested additional information to the local~~
 139 ~~government within 30 days after receiving the request, the local~~
 140 ~~government must, within 10 days after receiving such information~~
 141 ~~unless the applicant waived the local government's limitation in~~
 142 ~~writing, determine that the application is complete and:~~

143 ~~a. Approve the application;~~
 144 ~~b. Approve the application with conditions; or~~
 145 ~~c. Deny the application.~~

146 ~~5. If the applicant believes a the request for additional~~
 147 ~~information is not authorized by ~~ordinance, rule, statute, or~~~~
 148 ~~other legal authority, the local government, at the applicant's~~
 149 ~~request, must process the application and ~~either~~ approve or deny~~
 150 ~~the application, ~~approve the application with conditions, or~~~~

151 ~~deny the application.~~

152 (c) If a local government fails to meet a deadline
153 provided in ~~paragraph~~ paragraphs (a) ~~and (b)~~, it must reduce the
154 building permit fee by 25 ~~10~~ percent for each business day that
155 it fails to meet the deadline. Each 25-percent ~~10-percent~~
156 reduction shall be based on the original amount of the building
157 permit fee, unless the parties agree to an extension of time.

158 ~~(3)-(2)~~(a) The application procedures set forth in
159 subsection (1) apply to the following building permit
160 applications: accessory structure; alarm permit; nonresidential
161 buildings less than 25,000 square feet; electric; irrigation
162 permit; landscaping; mechanical; plumbing; residential units
163 other than a single family unit; multifamily residential not
164 exceeding 50 units; roofing; signs; site-plan approvals and
165 subdivision plats not requiring public hearings or public
166 notice; and lot grading and site alteration associated with the
167 permit application set forth in this subsection. The procedures
168 set forth in subsection (1) do not apply to permits for a
169 single-family residential dwelling, which must be issued
170 pursuant to s. 553.79(16), or any wireless communications
171 facilities ~~or when a law, agency rule, or local ordinance~~
172 ~~specify different timeframes for review of local building permit~~
173 ~~applications.~~

174 (b) ~~If a local government has different timeframes than~~
175 ~~the timeframes set forth in subsection (1) for reviewing~~

176 ~~building permit applications described in paragraph (a), the~~
 177 ~~local government must meet the deadlines established by local~~
 178 ~~ordinance.~~ If a local government does not meet an established
 179 deadline to approve, ~~approve with conditions,~~ or deny an
 180 application, it must reduce the building permit fee by 25 ~~10~~
 181 percent for each business day that it fails to meet the
 182 deadline. Each 25-percent ~~10-percent~~ reduction shall be based on
 183 the original amount of the building permit fee, unless the
 184 parties agree to an extension of time. This paragraph does not
 185 apply to permits for any wireless communications facilities.

186 (4) This section shall be enforced pursuant to ss. 125.56
 187 and 553.80.

188 (5) ~~(3)~~ If any building permit fees are refunded under this
 189 section, the surcharges provided in s. 468.631 or s. 553.721
 190 must be recalculated based on the amount of the building permit
 191 fees after the refund.

192 (6) A local government that issues building permits may
 193 charge an applicant only one search fee, in an amount
 194 commensurate with the research and time costs incurred by the
 195 local government, for identifying building permits for each unit
 196 or subunit assigned by the local government to a particular tax
 197 parcel identification number.

198 Section 2. Paragraph (d) of subsection (4) of section
 199 125.56, Florida Statutes, is amended to read:

200 125.56 Enforcement and amendment of the Florida Building

201 Code and the Florida Fire Prevention Code; inspection fees;
 202 inspectors; etc.—

203 (4)

204 (d) A county that issues building permits may send a
 205 written notice of expiration, by e-mail or United States Postal
 206 Service, to the owner of the property and the contractor listed
 207 on the permit, no less than 60 ~~30~~ days before a building permit
 208 is set to expire. The written notice must identify the permit
 209 that is set to expire and the date the permit will expire.

210 Section 3. Paragraph (c) of subsection (1) of section
 211 553.79, Florida Statutes, is amended to read:

212 553.79 Permits; applications; issuance; inspections.—

213 (1)

214 (c) A local government that issues building permits may
 215 send a written notice of expiration, by e-mail or United States
 216 Postal Service, to the owner of the property and the contractor
 217 listed on the permit, no less than 60 ~~30~~ days before a building
 218 permit is set to expire. The written notice must identify the
 219 permit that is set to expire and the date the permit will
 220 expire.

221 Section 4. This act shall take effect July 1, 2023.