

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: SB 1150

INTRODUCER: Senator Perry

SUBJECT: Development Permits and Orders

DATE: January 19, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hunter	Ryon	CA	Pre-meeting
2.			JU	
3.			RC	

I. Summary:

SB 1150 makes changes to the process of issuing development permits and orders to applicants for municipalities and counties. The bill provides that within 5 business days after receiving an application for approval of a development permit or development order, the municipality or county must confirm receipt of the application, and specifies that all timeframes related to issuing development permits and orders restart if an applicant makes a substantive change to the application.

Additionally, the bill provides a schedule for the refund of application fees that a municipality or county must issue if statutorily-defined timelines for processing development permits and orders are not followed by a local government.

Lastly, the bill provides that a municipality or county must specify in writing the minimum information that must be submitted for certain types of development permits and make such information available to the applicant in certain ways.

This bill takes effect October 1, 2024.

II. Present Situation:

The Community Planning Act

Adopted in 1985, the Local Government Comprehensive Planning and Land Development Regulation Act,¹ also known as Florida's Growth Management Act, was significantly revised in 2011, becoming the Community Planning Act.² The Community Planning Act governs how local governments create and adopt their local comprehensive plans.

¹ See ch. 85-55, s. 1, Laws of Fla.

² See ch. 2011-139, s. 17, Laws of Fla.

Local comprehensive plans must include principles, guidelines, standards, and strategies for the orderly and balanced future land development of the area and reflect community commitments to implement the plan. The Community Planning Act intends that local governments manage growth through comprehensive land use plans that facilitate adequate and efficient provision of transportation, water, sewage, schools, parks, recreational facilities, housing, and other requirements and services.³ A housing element is required as part of every comprehensive plan in the state. Among other things, the housing element must address “the creation or preservation of affordable housing to minimize the need for additional local services and avoid the concentration of affordable housing units only in specific areas of the jurisdiction.”⁴

Municipalities established after the effective date of the Community Planning Act must adopt a comprehensive plan within three years after the date of incorporation.⁵ The county comprehensive plan controls until a municipal comprehensive plan is adopted.⁶

The comprehensive plan is implemented via land development regulations. Each county and municipality must adopt and enforce land development regulations, such as zoning or other housing-related ordinances, which are consistent with and implement their adopted comprehensive plan.⁷

Issuing Development Orders and Permits

Under the Community Planning Act, a development permit is any official action of a local government that has the effect of permitting the development of land including, but not limited to, building permits, zoning permits, subdivision approval, rezoning, certifications, special exceptions, and variances.⁸ A development order is issued by a local government and grants, denies, or grants with conditions an application for a development permit.⁹

Within 30 days after receiving an application for approval of a development permit or development order, a municipality or county must review the application for completeness and issue a letter indicating that all required information is submitted or specify any areas that are deficient. If the application is deficient, the applicant has 30 days to address the deficiencies by submitting the required additional information.¹⁰

Within 120 days after the municipality or county has deemed the application complete, or 180 days for applications that require final action through a quasi-judicial hearing or a public hearing, the county must approve, approve with conditions, or deny the application for a development permit or development order.¹¹ Both the applicant and the local government may agree to a reasonable request for an extension of time, particularly in the event of an extraordinary

³ Section 163.3161(4), F.S.

⁴ Section 163.3177(6)(f)1.g., F.S.

⁵ Section 163.3167(3), F.S.

⁶ *Id.*

⁷ Section 163.3202, F.S.

⁸ Section 163.3164(16), F.S.

⁹ *See* ss. 125.022, 163.3164(15), and 166.033, F.S.

¹⁰ Sections 125.022(1) and 166.033(1), F.S.

¹¹ *Id.*

circumstance.¹² An approval, approval with conditions, or denial of the application for a development permit or development order must include written findings supporting the county's decision.¹³ However, these timeframes do not apply in an area of critical state concern.¹⁴

When reviewing an application for a development permit or development order, not including building permit applications, a county or municipality may not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing.¹⁵

If a county or municipality makes a request for additional information from the applicant and the applicant provides the information within 30 days of receiving the request, the county or the municipality must:

- Review the additional information and issue a letter to the applicant indicating that the application is complete or specify the remaining deficiencies within 30 days of receiving the information, if the request is the county or municipality's first request.¹⁶
- Review the additional information and issue a letter to the applicant indicating that the application is complete or specify the remaining deficiencies within 10 days of receiving the additional information, if the request is the county or municipality's second request.¹⁷
- Deem the application complete within ten days of receiving the additional information or proceed to process the application for approval or denial unless the applicant waived the county or municipality's time limitations in writing, if the request is the county or municipality's third request.

Before a third request for information, the applicant must be offered a meeting to attempt to resolve outstanding issues.¹⁸ If the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the applicant can request the county or municipality proceed to process the application for approval or denial.¹⁹ If denied, the county or municipality is required to give written notice to the applicant and must provide reference to the applicable legal authority for the denial of the permit.²⁰

Once an application is deemed complete, a county or municipality must approve, approve with conditions, or deny the application within 120 days or 180 days for applications that require final action through a quasi-judicial hearing or a public hearing.²¹

III. Effect of Proposed Changes:

The bill amends ss. 125.022 and 166.033, F.S., to make changes to the process of issuing development permits and orders to applicants for counties and municipalities, respectively.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Sections 125.022(2) and 166.033(2), F.S.

¹⁶ Section 125.022(2)(b) and Section 166.033(2)(b), F.S.

¹⁷ Section 125.022(2)(c) and Section 166(2)(c), F.S.

¹⁸ Sections 125.022(2) and 166.033(2), F.S.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

The bill provides that a municipality or county must issue a refund to an applicant equal to:

- Ten percent of the application fee if the county fails to issue written notification of completeness or written specification of areas of deficiency within 30 days after receiving the application.
- Ten percent of the application fee if the county fails to issue written notification of completeness or written specification of areas of deficiency within 30 days after receiving the additional information upon an initial request.
- Twenty percent of the application fee if the county fails to issue written notification of completeness or written specification of areas of deficiency within 10 days after receiving the additional information upon a second request.
- Fifty percent of the application fee if the county fails to approve, approve with conditions, or deny the application within 30 days after conclusion of the 120-day or 180-day application completion timeline.
- One hundred percent of the application fee if the county fails to approve, approve with conditions, or deny an application 31 days or more after conclusion of the 120-day or 180-day application completion timeline.

The bill provides that within 5 business days after receiving an application for approval of a development permit or development order, the county must confirm receipt of the application.

The bill specifies that all timeframes related to issuing development permits and orders restart if an applicant makes a “substantive change” to the application, defined in the bill as “an applicant-initiated change of 15 percent or more in the proposed density, intensity, or square footage of a parcel.”

Lastly, the bill requires municipalities and counties to specify in writing the minimum information that must be submitted in an application for a zoning approval, rezoning approval, subdivision approval, certification, special exception, or variance. A municipality or county must make the minimum information available for inspection and copying at the location where the local government receives applications for development permits and orders, and provide the information to the applicant at a pre-application meeting or post it on the local government’s website.

This bill takes effect October 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

To the extent that local governments do not meet the statutorily-defined timelines for processing development permits and orders, applicants may realize a positive fiscal impact from the associated refund of an application fee.

C. Government Sector Impact:

To the extent that local governments do not meet the statutorily-defined timelines for processing development permits and orders, local governments may realize a negative fiscal impact from the associated refund of an application fee.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 125.022, 166.033, and 163.3164.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
