

By Senator Perry

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1 A bill to be entitled
2 An act relating to development permits and orders;
3 amending ss. 125.022 and 166.033, F.S.; requiring
4 counties and municipalities, respectively, to meet
5 specified requirements regarding the minimum
6 information necessary for certain zoning applications;
7 revising required duties that a county or
8 municipality, respectively, must perform upon receipt
9 of an application for approval of a development
10 permit; revising timeframes for processing certain
11 applications for approvals of development permits or
12 development orders; providing that timeframes for
13 processing certain applications restart if an
14 applicant makes substantive changes to an application;
15 providing refund parameters in situations where the
16 county or municipality, respectively, fails to meet
17 certain timeframes; providing exceptions; amending s.
18 163.3164, F.S.; defining the term "substantive
19 change"; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Section 125.022, Florida Statutes, is amended to
24 read:

25 125.022 Development permits and orders.—

26 (1) A county must specify in writing the minimum
27 information that must be submitted in an application for a
28 zoning approval, rezoning approval, subdivision approval,
29 certification, special exception, or variance. A county must

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30 make the minimum information available for inspection and
31 copying at the location where the county receives applications
32 for development permits and orders, and provide the information
33 to the applicant at a preapplication meeting or post it on the
34 county's website.

35 (2) Within 5 business days after receiving an application
36 for approval of a development permit or development order, the
37 county shall confirm receipt of the application using contact
38 information provided by the applicant. Within 30 days after
39 receiving an application for approval of a development permit or
40 development order, a county must review the application for
41 completeness and issue a written notification to the applicant
42 ~~letter~~ indicating that all required information is submitted or
43 specify ~~specifying~~ with particularity any areas that are
44 deficient. If the application is deficient, the applicant has 30
45 days to address the deficiencies by submitting the required
46 additional information. For applications that do not require
47 final action through a quasi-judicial hearing or a public
48 hearing, the county must approve, approve with conditions, or
49 deny the application for a development permit or development
50 order 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 within 180 days after the county has deemed the
56 application complete. Both parties may agree in writing to a
57 ~~reasonable request for~~ an extension of time, particularly in the
58 event of a force majeure or other extraordinary circumstance. An

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59 approval, approval with conditions, or denial of the application
60 for a development permit or development order must include
61 written findings supporting the county's decision. The
62 timeframes contained in this subsection do not apply in an area
63 of critical state concern, as designated in s. 380.0552. The
64 timeframes contained in this subsection shall restart if an
65 applicant makes a substantive change to the application, as
66 defined in s. 163.3164.

67 (3) (a) (2) (a) When reviewing an application for a
68 development permit or development order that is certified by a
69 professional listed in s. 403.0877, a county may not request
70 additional information from the applicant more than three times,
71 unless the applicant waives the limitation in writing.

72 (b) If a county makes a request for additional information
73 and the applicant submits the required additional information
74 within 30 days after receiving the request, the county must
75 review the application for completeness and issue a letter
76 indicating that all required information has been submitted or
77 specify with particularity any areas that are deficient within
78 30 days after receiving the additional information.

79 (c) If a county makes a second request for additional
80 information and the applicant submits the required additional
81 information within 30 days after receiving the request, the
82 county must review the application for completeness and issue a
83 letter indicating that all required information has been
84 submitted or specify with particularity any areas that are
85 deficient within 10 days after receiving the additional
86 information.

87 (d) Before a third request for additional information, the

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88 applicant must be offered a meeting to attempt to resolve
89 outstanding issues. If a county makes a third request for
90 additional information and the applicant submits the required
91 additional information within 30 days after receiving the
92 request, the county must deem the application complete within 10
93 days after receiving the additional information or proceed to
94 process the application for approval or denial unless the
95 applicant waived the county's limitation in writing as described
96 in paragraph (a).

97 (e) Except as provided in subsection (7) ~~(5)~~, if the
98 applicant believes the request for additional information is not
99 authorized by ordinance, rule, statute, or other legal
100 authority, the county, at the applicant's request, shall proceed
101 to process the application for approval or denial.

102 (4) A county must issue a refund to an applicant equal to:

103 (a) Ten percent of the application fee if the county fails
104 to issue written notification of completeness or written
105 specification of areas of deficiency within 30 days after
106 receiving the application.

107 (b) Ten percent of the application fee if the county fails
108 to issue written notification of completeness or written
109 specification of areas of deficiency within 30 days after
110 receiving the additional information pursuant to paragraph

111 (3) (b).

112 (c) Twenty percent of the application fee if the county
113 fails to issue written notification of completeness or written
114 specification of areas of deficiency within 10 days after
115 receiving the additional information pursuant to paragraph

116 (3) (c).

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117 (d) Fifty percent of the application fee if the county
118 fails to approve, approves with conditions, or denies the
119 application within 30 days after conclusion of the 120-day or
120 180-day timeframe specified in subsection (2).

121 (e) One hundred percent of the application fee if the
122 county fails to approve, approves with conditions, or denies an
123 application 31 days or more after conclusion of the 120-day or
124 180-day timeframe specified in subsection (2).

125
126 A county is not required to issue a refund if the applicant and
127 the county agree to an extension of time, the delay is caused by
128 the applicant or a third party, or the delay is attributable to
129 a force majeure or other extraordinary circumstance.

130 (5)(3) When a county denies an application for a
131 development permit or development order, the county shall give
132 written notice to the applicant. The notice must include a
133 citation to the applicable portions of an ordinance, rule,
134 statute, or other legal authority for the denial of the permit
135 or order.

136 (6)(4) As used in this section, the terms "development
137 permit" and "development order" have the same meaning as in s.
138 163.3164, but do not include building permits.

139 (7)(5) For any development permit application filed with
140 the county after July 1, 2012, a county may not require as a
141 condition of processing or issuing a development permit or
142 development order that an applicant obtain a permit or approval
143 from any state or federal agency unless the agency has issued a
144 final agency action that denies the federal or state permit
145 before the county action on the local development permit.

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146 (8)~~(6)~~ Issuance of a development permit or development
147 order by a county does not in any way create any rights on the
148 part of the applicant to obtain a permit from a state or federal
149 agency and does not create any liability on the part of the
150 county for issuance of the permit if the applicant fails to
151 obtain requisite approvals or fulfill the obligations imposed by
152 a state or federal agency or undertakes actions that result in a
153 violation of state or federal law. A county shall attach such a
154 disclaimer to the issuance of a development permit and shall
155 include a permit condition that all other applicable state or
156 federal permits be obtained before commencement of the
157 development.

158 (9)~~(7)~~ This section does not prohibit a county from
159 providing information to an applicant regarding what other state
160 or federal permits may apply.

161 Section 2. Section 166.033, Florida Statutes, is amended to
162 read:

163 166.033 Development permits and orders.—

164 (1) A municipality must specify in writing the minimum
165 information that must be submitted for an application for a
166 zoning approval, rezoning approval, subdivision approval,
167 certification, special exception, or variance. A municipality
168 must make the minimum information available for inspection and
169 copying at the location where the municipality receives
170 applications for development permits and orders, and provide the
171 information to the applicant at a preapplication meeting or post
172 it on the municipality's website.

173 (2) Within 5 business days after receiving an application
174 for approval of a development permit or development order, a

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175 municipality shall confirm receipt of the application using
176 contact information provided by the applicant. Within 30 days
177 after receiving an application for approval of a development
178 permit or development order, a municipality must review the
179 application for completeness and issue a written notification to
180 the applicant ~~letter~~ indicating that all required information is
181 submitted or specifying with particularity any areas that are
182 deficient. If the application is deficient, the applicant has 30
183 days to address the deficiencies by submitting the required
184 additional information. For applications that do not require
185 final action through a quasi-judicial hearing or a public
186 hearing, the municipality must approve, approve with conditions,
187 or deny the application for a development permit or development
188 order within 120 days after the municipality has deemed the
189 application complete. ~~, or 180 days~~ For applications that require
190 final action through a quasi-judicial hearing or a public
191 hearing, the municipality must approve, approve with conditions,
192 or deny the application for a development permit or development
193 order within 180 days after the municipality has deemed the
194 application complete. Both parties may agree in writing to a
195 ~~reasonable request for~~ an extension of time, particularly in the
196 event of a force majeure or other extraordinary circumstance. An
197 approval, approval with conditions, or denial of the application
198 for a development permit or development order must include
199 written findings supporting the municipality's decision. The
200 timeframes contained in this subsection do not apply in an area
201 of critical state concern, as designated in s. 380.0552 or
202 chapter 28-36, Florida Administrative Code. The timeframes
203 contained in this subsection shall restart if an applicant makes

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204 a substantive change to the application as defined in s.
205 163.3164.

206 (3) (a) ~~(2) (a)~~ When reviewing an application for a
207 development permit or development order that is certified by a
208 professional listed in s. 403.0877, a municipality may not
209 request additional information from the applicant more than
210 three times, unless the applicant waives the limitation in
211 writing.

212 (b) If a municipality makes a request for additional
213 information and the applicant submits the required additional
214 information within 30 days after receiving the request, the
215 municipality must review the application for completeness and
216 issue a letter indicating that all required information has been
217 submitted or specify with particularity any areas that are
218 deficient within 30 days after receiving the additional
219 information.

220 (c) If a municipality makes a second request for additional
221 information and the applicant submits the required additional
222 information within 30 days after receiving the request, the
223 municipality must review the application for completeness and
224 issue a letter indicating that all required information has been
225 submitted or specify with particularity any areas that are
226 deficient within 10 days after receiving the additional
227 information.

228 (d) Before a third request for additional information, the
229 applicant must be offered a meeting to attempt to resolve
230 outstanding issues. If a municipality makes a third request for
231 additional information and the applicant submits the required
232 additional information within 30 days after receiving the

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233 request, the municipality must deem the application complete
234 within 10 days after receiving the additional information or
235 proceed to process the application for approval or denial unless
236 the applicant waived the municipality's limitation in writing as
237 described in paragraph (a).

238 (e) Except as provided in subsection (7) ~~(5)~~, if the
239 applicant believes the request for additional information is not
240 authorized by ordinance, rule, statute, or other legal
241 authority, the municipality, at the applicant's request, shall
242 proceed to process the application for approval or denial.

243 (4) A municipality must issue a refund to an applicant
244 equal to:

245 (a) Ten percent of the application fee if the municipality
246 fails to issue written notification of completeness or written
247 specification of areas of deficiency within 30 days after
248 receiving the application.

249 (b) Ten percent of the application fee if the municipality
250 fails to issue written notification of completeness or written
251 specification of areas of deficiency within 30 days after
252 receiving the additional information pursuant to paragraph

253 (3) (b).

254 (c) Twenty percent of the application fee if the
255 municipality fails to issue written notification of completeness
256 or written specification of areas of deficiency within 10 days
257 after receiving the additional information pursuant to paragraph

258 (3) (c).

259 (d) Fifty percent of the application fee if the
260 municipality fails to approve, approves with conditions, or
261 denies the application within 30 days after conclusion of the

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262 120-day or 180-day timeframe specified in subsection (2).

263 (e) One hundred percent of the application fee if the
264 municipality fails to approve, approves with conditions, or
265 denies an application 31 days or more after conclusion of the
266 120-day or 180-day timeframe specified in subsection (2).

267
268 A municipality is not required to issue a refund if the
269 applicant and the municipality agree to an extension of time,
270 the delay is caused by the applicant or a third party, or the
271 delay is attributable to a force majeure or other extraordinary
272 circumstance.

273 (5)~~(3)~~ When a municipality denies an application for a
274 development permit or development order, the municipality shall
275 give written notice to the applicant. The notice must include a
276 citation to the applicable portions of an ordinance, rule,
277 statute, or other legal authority for the denial of the permit
278 or order.

279 (6)~~(4)~~ As used in this section, the terms "development
280 permit" and "development order" have the same meaning as in s.
281 163.3164, but do not include building permits.

282 (7)~~(5)~~ For any development permit application filed with
283 the municipality after July 1, 2012, a municipality may not
284 require as a condition of processing or issuing a development
285 permit or development order that an applicant obtain a permit or
286 approval from any state or federal agency unless the agency has
287 issued a final agency action that denies the federal or state
288 permit before the municipal action on the local development
289 permit.

290 (8)~~(6)~~ Issuance of a development permit or development

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291 order by a municipality does not create any right on the part of
292 an applicant to obtain a permit from a state or federal agency
293 and does not create any liability on the part of the
294 municipality for issuance of the permit if the applicant fails
295 to obtain requisite approvals or fulfill the obligations imposed
296 by a state or federal agency or undertakes actions that result
297 in a violation of state or federal law. A municipality shall
298 attach such a disclaimer to the issuance of development permits
299 and shall include a permit condition that all other applicable
300 state or federal permits be obtained before commencement of the
301 development.

302 (9)~~(7)~~ This section does not prohibit a municipality from
303 providing information to an applicant regarding what other state
304 or federal permits may apply.

305 Section 3. Present subsections (46) through (52) of section
306 163.3164, Florida Statutes, are redesignated as subsections (47)
307 through (53), respectively, and a new subsection (46) is added
308 to that section, to read:

309 163.3164 Community Planning Act; definitions.—As used in
310 this act:

311 (46) "Substantive change" means an applicant-initiated
312 change of 15 percent or more in the proposed density, intensity,
313 or square footage of a parcel.

314 Section 4. This act shall take effect October 1, 2024.