

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Regulatory Reform &
 2 Economic Development Subcommittee
 3 Representative McClain offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
 7 Section 1. Section 177.073, Florida Statutes, is created
 8 to read:

9 177.073 Expedited approval of residential building permits
 10 before a final plat is recorded.-

11 (1) As used in this section, the term:

12 (a) "Applicant" means a homebuilder or developer who files
 13 an application with the local governing body to identify the
 14 percentage of planned homes, or the number of building permits,
 15 that the local governing body must issue for a residential
 16 subdivision or planned community.

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17 (b) "Final plat" means the final tracing, map, or site
18 plan presented by the subdivider to a governing body for final
19 approval, and, upon approval by the appropriate governing body,
20 is submitted to the clerk of the circuit court for recording.

21 (c) "Local building official" has the same meaning as in
22 s. 553.791(1).

23 (d) "Plans" means any building plans, construction plans,
24 engineering plans, or site plans, or their functional
25 equivalent, submitted by an applicant for a building permit.

26 (e) "Preliminary plat" means a map or delineated
27 representation of the subdivision of lands that is a complete
28 and exact representation of the residential subdivision or
29 planned community and contains any additional information needed
30 to be in compliance with the requirements of this chapter.

31 (2)(a) By October 1, 2024, the governing body of a county
32 that has 75,000 residents or more and the governing body of a
33 municipality that has 30,000 residents or more shall create a
34 program to expedite the process for issuing building permits for
35 residential subdivisions or planned communities in accordance
36 with the Florida Building Code and this section before a final
37 plat is recorded with the clerk of the circuit court. The
38 expedited process must include an application for an applicant
39 to identify the percentage of planned homes, not to exceed 50
40 percent of the residential subdivision or planned community, or
41 the number of building permits that the governing body must

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42 issue for the residential subdivision or planned community. This
43 paragraph does not:

44 1. Restrict the governing body from issuing more than 50
45 percent of the building permits for the residential subdivision
46 or planned community.

47 2. Apply to a county subject to s. 380.0552.

48 (b) A governing body that had a program in place before
49 July 1, 2023, to expedite the building permit process, need only
50 update their program to approve an applicant's written
51 application to issue up to 50 percent of the building permits
52 for the residential subdivision or planned community in order to
53 comply with this section. This paragraph does not restrict a
54 governing body from issuing more than 50 percent of the building
55 permits for the residential subdivision or planned community.

56 (c) By December 31, 2027, the governing body of a county
57 that has 75,000 residents or more and the governing body of a
58 municipality that has 30,000 residents or more shall update its
59 program to expedite the process for issuing building permits for
60 residential subdivisions or planned communities in accordance
61 with the Florida Building Code and this section before a final
62 plat is recorded with the clerk of the circuit court. The
63 expedited process must include an application for an applicant
64 to identify the percentage of planned homes, not to exceed 75
65 percent of the residential subdivision or planned community, or
66 the number of building permits that the governing body must

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67 issue for the residential subdivision or planned community. This
68 paragraph does not:

69 1. Restrict the governing body from issuing more than 75
70 percent of the building permits for the residential subdivision
71 or planned community.

72 2. Apply to a county subject to s. 380.0552.

73 (3) A governing body shall create:

74 (a) A two-step application process for the adoption of a
75 preliminary plat, inclusive of any plans, in order to expedite
76 the issuance of building permits under this section. The
77 application must allow an applicant to identify the percentage
78 of planned homes or the number of building permits that the
79 governing body must issue for the residential subdivision or
80 planned community.

81 (b) A master building permit process consistent with s.
82 553.794 for applicants seeking multiple building permits for
83 residential subdivisions or planned communities. For purposes of
84 this paragraph, a master building permit is valid for 3
85 consecutive years after its issuance or until the adoption of a
86 new Florida Building Code, whichever is earlier. After a new
87 Florida Building Code is adopted, the applicant may apply for a
88 new master building permit, which, upon approval, is valid for 3
89 consecutive years.

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90 (4) An applicant may use a private provider consistent
91 with s. 553.791 to expedite the application process as described
92 in this section.

93 (5) A governing body may work with appropriate local
94 government agencies to issue an address and a temporary parcel
95 identification number for lot lines and lot sizes based on the
96 metes and bounds of the plat contained in the application.

97 (6) The governing body must issue the number or percentage
98 of building permits requested by an applicant in accordance with
99 the Florida Building Code and this section, provided the
100 residential buildings or structures are unoccupied and all of
101 the following conditions are met:

102 (a) The governing body has approved a preliminary plat for
103 each residential subdivision or planned community.

104 (b) The applicant provides proof to the governing body
105 that the applicant has provided a copy of the approved
106 preliminary plat, along with the approved plans, to the relevant
107 electric, gas, water, and wastewater utilities.

108 (c) The applicant holds a valid performance bond for up to
109 130 percent of the necessary improvements, as defined in s.
110 177.031(9), that have not been completed upon submission of the
111 application under this section. For purposes of a master planned
112 community as defined in s. 163.3202(5)(b), a valid performance
113 bond is required on a phase-by-phase basis.

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114 (7) (a) An applicant may contract to sell, but may not
115 transfer ownership of, a residential structure or building
116 located in the residential subdivision or planned community
117 until the final plat is approved by the governing body and
118 recorded in the public records by the clerk of the circuit
119 court.

120 (b) An applicant may not obtain a final certificate of
121 occupancy for each residential structure or building for which a
122 building permit is issued until the final plat is approved by
123 the governing body and recorded in the public records by the
124 clerk of the circuit court.

125 (8) For purposes of this section, an applicant has a
126 vested right in a preliminary plat that has been approved by a
127 governing body if all of the following conditions are met:

128 (a) The applicant relies in good faith on the approved
129 preliminary plat or any amendments thereto.

130 (b) The applicant incurs obligations and expenses,
131 commences construction of the residential subdivision or planned
132 community, and is continuing in good faith with the development
133 of the property.

134 (9) Upon the establishment of an applicant's vested rights
135 in accordance with subsection (8), a governing body may not make
136 substantive changes to the preliminary plat without the
137 applicant's written consent.

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138 (10) An applicant must indemnify and hold harmless the
139 local government, its governing body, its employees, and its
140 agents from liability or damages resulting from the issuance of
141 a building permit or the construction, reconstruction, or
142 improvement or repair of a residential building or structure,
143 including any associated utilities, located in the residential
144 subdivision or planned community. Additionally, an applicant
145 must indemnify and hold harmless the local government, its
146 governing body, its employees, and its agents from liability or
147 disputes resulting from the issuance of a certificate of
148 occupancy for a residential building or structure that is
149 constructed, reconstructed, improved, or repaired before the
150 approval and recordation of the final plat of the qualified
151 project. This indemnification includes, but is not limited to,
152 any liability and damage resulting from wind, fire, flood,
153 construction defects, bodily injury, and any actions, issues, or
154 disputes arising out of a contract or other agreement between
155 the developer and a utility operating in the residential
156 subdivision or planned community. However, this indemnification
157 does not extend to governmental actions that infringe on the
158 applicant's vested rights.

159 Section 2. This act shall take effect upon becoming a law.

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162 **T I T L E A M E N D M E N T**

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163 Remove everything before the enacting clause and insert:
164 A bill to be entitled
165 An act relating to expedited approval of residential
166 building permits; creating s. 177.073, F.S.; providing
167 definitions; requiring certain governing bodies, by a
168 date certain, to create a program to expedite the
169 process for issuing residential building permits
170 before a final plat is recorded; requiring the
171 expedited process to include a certain application;
172 requiring certain governing bodies to update its
173 program in a specified manner; providing
174 applicability; requiring a governing body to create
175 certain processes for purposes of the program;
176 authorizing applicants to use a private provider to
177 expedite the process for certain building permits;
178 authorizing a governing body to issue addresses and
179 temporary parcel identification numbers for specified
180 purposes; requiring a governing body to issue a
181 specified number or percentage of building permits
182 requested in an application when certain conditions
183 are met; setting forth certain conditions for
184 applicants who apply to the program; providing that an
185 applicant has a vested right in an approved
186 preliminary plat when certain conditions are met;
187 prohibiting a governing body from making substantive

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188 | changes to a preliminary plat without written consent;
189 | requiring an applicant to indemnify and hold harmless
190 | certain entities and persons; providing an exception;
191 | providing an effective date.