

1 A bill to be entitled

2 An act relating to expedited approval of residential  
3 building permits; creating s. 177.073, F.S.; providing  
4 definitions; requiring certain governing bodies, by a  
5 date certain, to create a program to expedite the  
6 process for issuing residential building permits  
7 before a final plat is recorded; requiring the  
8 expedited process to include a certain application;  
9 requiring certain governing bodies to update its  
10 program in a specified manner; providing  
11 applicability; requiring a governing body to create  
12 certain processes for purposes of the program;  
13 authorizing applicants to use a private provider to  
14 expedite the process for certain building permits;  
15 authorizing a governing body to issue addresses and  
16 temporary parcel identification numbers for specified  
17 purposes; requiring a governing body to issue a  
18 specified number or percentage of building permits  
19 requested in an application when certain conditions  
20 are met; setting forth certain conditions for  
21 applicants who apply to the program; providing that an  
22 applicant has a vested right in an approved  
23 preliminary plat when certain conditions are met;  
24 prohibiting a governing body from making substantive  
25 changes to a preliminary plat without written consent;

26 requiring an applicant to indemnify and hold harmless  
 27 certain entities and persons; providing an exception;  
 28 providing an effective date.

30 Be It Enacted by the Legislature of the State of Florida:

32 Section 1. Section 177.073, Florida Statutes, is created  
 33 to read:

34 177.073 Expedited approval of residential building permits  
 35 before a final plat is recorded.—

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

37 (a) "Applicant" means a homebuilder or developer who files  
 38 an application with the local governing body to identify the  
 39 percentage of planned homes, or the number of building permits,  
 40 that the local governing body must issue for a residential  
 41 subdivision or planned community.

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

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

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

51 (e) "Preliminary plat" means a map or delineated  
52 representation of the subdivision of lands that is a complete  
53 and exact representation of the residential subdivision or  
54 planned community and contains any additional information needed  
55 to be in compliance with the requirements of this chapter.

56 (2)(a) By October 1, 2024, 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 create a  
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 50  
65 percent of the residential subdivision or planned community, or  
66 the number of building permits that the governing body must  
67 issue for the residential subdivision or planned community. This  
68 paragraph does not:

69 1. Restrict the governing body from issuing more than 50  
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 (b) A governing body that had a program in place before  
74 July 1, 2023, to expedite the building permit process, need only  
75 update their program to approve an applicant's written

76 application to issue up to 50 percent of the building permits  
77 for the residential subdivision or planned community in order to  
78 comply with this section. This paragraph does not restrict a  
79 governing body from issuing more than 50 percent of the building  
80 permits for the residential subdivision or planned community.

81 (c) By December 31, 2027, the governing body of a county  
82 that has 75,000 residents or more and the governing body of a  
83 municipality that has 30,000 residents or more shall update its  
84 program to expedite the process for issuing building permits for  
85 residential subdivisions or planned communities in accordance  
86 with the Florida Building Code and this section before a final  
87 plat is recorded with the clerk of the circuit court. The  
88 expedited process must include an application for an applicant  
89 to identify the percentage of planned homes, not to exceed 75  
90 percent of the residential subdivision or planned community, or  
91 the number of building permits that the governing body must  
92 issue for the residential subdivision or planned community. This  
93 paragraph does not:

94 1. Restrict the governing body from issuing more than 75  
95 percent of the building permits for the residential subdivision  
96 or planned community.

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

98 (3) A governing body shall create:

99 (a) A two-step application process for the adoption of a  
100 preliminary plat, inclusive of any plans, in order to expedite

101 the issuance of building permits under this section. The  
102 application must allow an applicant to identify the percentage  
103 of planned homes or the number of building permits that the  
104 governing body must issue for the residential subdivision or  
105 planned community.

106 (b) A master building permit process consistent with s.  
107 553.794 for applicants seeking multiple building permits for  
108 residential subdivisions or planned communities. For purposes of  
109 this paragraph, a master building permit is valid for 3  
110 consecutive years after its issuance or until the adoption of a  
111 new Florida Building Code, whichever is earlier. After a new  
112 Florida Building Code is adopted, the applicant may apply for a  
113 new master building permit, which, upon approval, is valid for 3  
114 consecutive years.

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

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

122 (6) The governing body must issue the number or percentage  
123 of building permits requested by an applicant in accordance with  
124 the Florida Building Code and this section, provided the  
125 residential buildings or structures are unoccupied and all of

126 the following conditions are met:

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

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

133 (c) The applicant holds a valid performance bond for up to  
134 130 percent of the necessary improvements, as defined in s.  
135 177.031(9), that have not been completed upon submission of the  
136 application under this section. For purposes of a master planned  
137 community as defined in s. 163.3202(5)(b), a valid performance  
138 bond is required on a phase-by-phase basis.

139 (7)(a) An applicant may contract to sell, but may not  
140 transfer ownership of, a residential structure or building  
141 located in the residential subdivision or planned community  
142 until the final plat is approved by the governing body and  
143 recorded in the public records by the clerk of the circuit  
144 court.

145 (b) An applicant may not obtain a final certificate of  
146 occupancy for each residential structure or building for which a  
147 building permit is issued until the final plat is approved by  
148 the governing body and recorded in the public records by the  
149 clerk of the circuit court.

150 (8) For purposes of this section, an applicant has a

151 vested right in a preliminary plat that has been approved by a  
152 governing body if all of the following conditions are met:

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

155 (b) The applicant incurs obligations and expenses,  
156 commences construction of the residential subdivision or planned  
157 community, and is continuing in good faith with the development  
158 of the property.

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

163 (10) An applicant must indemnify and hold harmless the  
164 local government, its governing body, its employees, and its  
165 agents from liability or damages resulting from the issuance of  
166 a building permit or the construction, reconstruction, or  
167 improvement or repair of a residential building or structure,  
168 including any associated utilities, located in the residential  
169 subdivision or planned community. Additionally, an applicant  
170 must indemnify and hold harmless the local government, its  
171 governing body, its employees, and its agents from liability or  
172 disputes resulting from the issuance of a certificate of  
173 occupancy for a residential building or structure that is  
174 constructed, reconstructed, improved, or repaired before the  
175 approval and recordation of the final plat of the qualified

176 | project. This indemnification includes, but is not limited to,  
177 | any liability and damage resulting from wind, fire, flood,  
178 | construction defects, bodily injury, and any actions, issues, or  
179 | disputes arising out of a contract or other agreement between  
180 | the developer and a utility operating in the residential  
181 | subdivision or planned community. However, this indemnification  
182 | does not extend to governmental actions that infringe on the  
183 | applicant's vested rights.

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