

By Senator DiCeglie

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1                                   A bill to be entitled  
2       An act relating to residential building permits;  
3       creating s. 177.073, F.S.; defining terms; requiring  
4       certain governing bodies, by a date certain, to create  
5       a program to expedite the process for issuing  
6       residential building permits before a final plat is  
7       recorded; providing an exception; requiring a  
8       governing body to create certain processes for  
9       purposes of the program; authorizing applicants to use  
10      a private provider for certain reviews; authorizing a  
11      governing body to issue addresses and temporary parcel  
12      identification numbers for specified purposes;  
13      requiring a governing body to issue a certain number  
14      or percentage of building permits requested in an  
15      application when certain conditions are met; providing  
16      certain conditions for applicants who apply to the  
17      program; providing that an applicant has a vested  
18      right in an approved preliminary plat when certain  
19      conditions are met; requiring local building officials  
20      to mail a signed, certified letter with specified  
21      information to the Department of Business and  
22      Professional Regulation after the governing body  
23      creates the program; amending s. 553.79, F.S.;  
24      removing provisions relating to acquiring building  
25      permits for certain residential dwellings; amending s.  
26      553.791, F.S.; requiring local jurisdictions to reduce  
27      permit fees by a certain percentage under certain  
28      circumstances; amending s. 553.792, F.S.; revising the  
29      timeframes for approving or denying certain building

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30 permits; requiring local governments to provide  
31 written notice to an applicant under certain  
32 circumstances; revising the number of times that a  
33 local government may request additional information  
34 from an applicant; providing the circumstances under  
35 which a permit application is deemed complete and  
36 sufficient; requiring local governments to offer  
37 applicants the opportunity for an in-person or virtual  
38 meeting before a second request for additional  
39 information may be made; reducing permit fees by a  
40 certain percentage if certain timeframes are not met;  
41 authorizing both parties to extend certain timeframes  
42 under certain circumstances; specifying that the  
43 permit requirements apply to single-family residential  
44 units and single-family residential dwellings;  
45 providing that building permits for a single-family  
46 residential dwelling are valid indefinitely, subject  
47 to compliance with the Florida Building Code and local  
48 ordinances; requiring that local governments follow  
49 the prescribed timeframes unless a local ordinance is  
50 more stringent; requiring local governments, upon  
51 request, to issue a certain percentage of building  
52 permits if certain conditions are met; prohibiting  
53 transfers of ownership until certain conditions are  
54 met; conforming provisions to changes made by the act;  
55 amending s. 440.103, F.S.; conforming a cross-  
56 reference; providing an effective date.

57  
58 Be It Enacted by the Legislature of the State of Florida:

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

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

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

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

(b) "Local building official" has the same meaning as in s. 553.791.

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

(d) "Preliminary plat" means a map or delineated representation of the subdivision of lands which is a complete and exact representation of the residential subdivision and contains any additional information needed to be in compliance with the requirements of this chapter.

(2) (a) By August 15, 2024, a governing body that has 30,000 residents or more shall create a program to expedite the process for issuing building permits for residential subdivisions in accordance with the Florida Building Code and this section before a final plat is recorded with the clerk of the circuit court.

(b) A governing body that has a program in place before July 1, 2024, to expedite the building permit process, need only update its program to approve an applicant's request to issue up

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88 to 50 percent of the building permits for the residential  
89 subdivision in order to comply with this section.

90 (3) A governing body shall create all of the following:

91 (a) A two-step application process that includes the  
92 adoption of a preliminary plat and a final plat in order to  
93 expedite the issuance of building permits under this section.  
94 The governing body shall maximize its administrative processes  
95 to expedite the review and approval of applications, plats, and  
96 plans submitted under this section.

97 (b) A master building permit application process consistent  
98 with s. 553.794(3) for applicants seeking multiple building  
99 permits for planned residential subdivisions.

100 (4) An applicant may use a private provider consistent with  
101 s. 553.791 to review a preliminary plat and building permit for  
102 each residential building or structure.

103 (5) A governing body may work with appropriate local  
104 governmental agencies to issue an address and a temporary parcel  
105 identification number for lot lines and lot sizes based on the  
106 metes and bounds of the plat contained in the application.

107 (6) If an applicant requests a certain number or percentage  
108 of building permits in his or her application, the governing  
109 body must issue the number or percentage requested in accordance  
110 with the Florida Building Code, provided the residential  
111 buildings or structures are unoccupied and all of the following  
112 conditions are met:

113 (a) The governing body has approved a preliminary plat for  
114 each residential building or structure.

115 (b) The applicant provides proof to the governing body that  
116 the applicant has given a copy of the approved preliminary plat,

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117 along with the approved plans, to the relevant electric, water,  
118 and wastewater utilities.

119 (c) The applicant holds a valid performance bond for up to  
120 120 percent of the necessary utilities, roads, and stormwater  
121 improvements that have not been completed upon submission of the  
122 application under this section.

123 (7) (a) An applicant may contract to sell, but may not  
124 transfer ownership of, a residential structure or building  
125 located in the residential subdivision until the final plat is  
126 approved by the governing body and recorded in the public  
127 records by the clerk of the circuit court.

128 (b) An applicant may not obtain a final certificate of  
129 occupancy with respect to each residential structure or building  
130 for which a building permit is issued until the final plat is  
131 approved by the governing body and recorded in the public  
132 records by the clerk of the circuit court.

133 (c) An applicant must indemnify and hold harmless the  
134 governing body and its agents and employees from damages,  
135 including damages resulting from fire, flood, construction  
136 defects, and bodily injury, accruing and directly related to the  
137 issuance of a building permit for a residential building or  
138 structure located in the residential subdivision before the  
139 approval and recording of the final plat by the governing body.

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

143 (a) The applicant relies in good faith on the approved  
144 preliminary plat.

145 (b) The applicant substantially changes his or her

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146 position, including making improvements pursuant to s.  
147 177.031(9), or incurs other obligations and expenses.

148 (c) Any change by the governing body would constitute an  
149 inequitable interference in the approved preliminary plat.

150 (9) After a governing body creates the program required  
151 under this section, the local building official shall send to  
152 the Department of Business and Professional Regulation by  
153 certified mail, return receipt requested, a signed, certified  
154 letter indicating that the program has been established. The  
155 letter must contain a brief explanation of the program,  
156 including how the program expedites the process of issuing  
157 building permits for residential subdivisions before the final  
158 plat is recorded.

159 Section 2. Subsection (16) of section 553.79, Florida  
160 Statutes, is amended to read:

161 553.79 Permits; applications; issuance; inspections.-

162 ~~(16) Except as provided in paragraph (c), a building permit~~  
163 ~~for a single-family residential dwelling must be issued within~~  
164 ~~30 business days after receiving the permit application unless~~  
165 ~~the permit application fails to satisfy the Florida Building~~  
166 ~~Code or the enforcing agency's laws or ordinances.~~

167 ~~(a) If a local enforcement agency fails to issue a building~~  
168 ~~permit for a single-family residential dwelling within 30~~  
169 ~~business days after receiving the permit application, it must~~  
170 ~~reduce the building permit fee by 10 percent for each business~~  
171 ~~day that it fails to meet the deadline. Each 10-percent~~  
172 ~~reduction shall be based on the original amount of the building~~  
173 ~~permit fee.~~

174 ~~(b) A local enforcement agency does not have to reduce the~~

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175 ~~building permit fee if it provides written notice to the~~  
176 ~~applicant, by e-mail or United States Postal Service, within 30~~  
177 ~~business days after receiving the permit application, that~~  
178 ~~specifically states the reasons the permit application fails to~~  
179 ~~satisfy the Florida Building Code or the enforcing agency's laws~~  
180 ~~or ordinances. The written notice must also state that the~~  
181 ~~applicant has 10 business days after receiving the written~~  
182 ~~notice to submit revisions to correct the permit application and~~  
183 ~~that failure to correct the application within 10 business days~~  
184 ~~will result in a denial of the application.~~

185 ~~(c) The applicant has 10 business days after receiving the~~  
186 ~~written notice to address the reasons specified by the local~~  
187 ~~enforcement agency and submit revisions to correct the permit~~  
188 ~~application. If the applicant submits revisions within 10~~  
189 ~~business days after receiving the written notice, the local~~  
190 ~~enforcement agency has 10 business days after receiving such~~  
191 ~~revisions to approve or deny the building permit unless the~~  
192 ~~applicant agrees to a longer period in writing. If the local~~  
193 ~~enforcement agency fails to issue or deny the building permit~~  
194 ~~within 10 business days after receiving the revisions, it must~~  
195 ~~reduce the building permit fee by 20 percent for the first~~  
196 ~~business day that it fails to meet the deadline unless the~~  
197 ~~applicant agrees to a longer period in writing. For each~~  
198 ~~additional business day, but not to exceed 5 business days, that~~  
199 ~~the local enforcement agency fails to meet the deadline, the~~  
200 ~~building permit fee must be reduced by an additional 10 percent.~~  
201 ~~Each reduction shall be based on the original amount of the~~  
202 ~~building permit fee.~~

203 ~~(d) If any building permit fees are refunded under this~~

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204 ~~subsection, the surcharges provided in s. 468.631 or s. 553.721~~  
205 ~~must be recalculated based on the amount of the building permit~~  
206 ~~fees after the refund.~~

207 ~~(c) A building permit for a single-family residential~~  
208 ~~dwelling applied for by a contractor licensed in this state on~~  
209 ~~behalf of a property owner who participates in a Community~~  
210 ~~Development Block Grant-Disaster Recovery program administered~~  
211 ~~by the Department of Economic Opportunity must be issued within~~  
212 ~~15 working days after receipt of the application unless the~~  
213 ~~permit application fails to satisfy the Florida Building Code or~~  
214 ~~the enforcing agency's laws or ordinances.~~

215 Section 3. Paragraph (b) of subsection (2) of section  
216 553.791, Florida Statutes, is amended to read:

217 553.791 Alternative plans review and inspection.-

218 (2)

219 (b) If an owner or a contractor retains a private provider  
220 for purposes of plans review or building inspection services,  
221 the local jurisdiction must reduce the permit fee by 75 percent  
222 ~~the amount of cost savings realized by the local enforcement~~  
223 ~~agency for not having to perform such services. Such reduction~~  
224 ~~may be calculated on a flat fee or percentage basis, or any~~  
225 ~~other reasonable means by which a local enforcement agency~~  
226 ~~assesses the cost for its plans review or inspection services.~~  
227 The local jurisdiction may not charge fees for building  
228 inspections if the fee owner or contractor hires a private  
229 provider to perform such services; however, the local  
230 jurisdiction may charge a reasonable administrative fee, which  
231 must ~~shall~~ be based on the cost that is actually incurred,  
232 including the labor cost of the personnel providing the service,



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233 by the local jurisdiction or attributable to the local  
234 jurisdiction for the clerical and supervisory assistance  
235 required, or both.

236 Section 4. Subsections (1) and (2) of section 553.792,  
237 Florida Statutes, are amended, and subsection (4) is added to  
238 that section, to read:

239 553.792 Building permit application to local government.—

240 (1) (a) After ~~Within 10 days of~~ an applicant submits  
241 ~~submitting~~ an application to the local government, the local  
242 government shall provide written notice to the applicant within  
243 3 calendar days after receipt of the application advising shall  
244 ~~advise~~ the applicant of any ~~what~~ information, ~~if any, is~~ needed  
245 to deem the application properly completed in compliance with  
246 the filing requirements published by the local government. If  
247 the local government does not provide timely written notice that  
248 the applicant has not submitted a ~~the~~ properly completed  
249 application, the application is ~~shall be~~ automatically deemed  
250 properly completed and sufficient ~~accepted~~.

251 (b) Within 9 calendar ~~45~~ days after receiving a completed  
252 application, a local government must provide written notice to  
253 ~~notify~~ an applicant if additional information is required for  
254 the local government to determine the sufficiency of the  
255 application, which notice must ~~and shall~~ specify the additional  
256 information that is required. The applicant may ~~must~~ submit the  
257 additional information to the local government or request that  
258 the local government act without the additional information.  
259 ~~While the applicant responds to the request for additional~~  
260 ~~information, the 120-day period described in this subsection is~~  
261 ~~tolled. Both parties may agree to a reasonable request for an~~

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262 ~~extension of time, particularly in the event of a force majeure~~  
263 ~~or other extraordinary circumstance. The local government must~~  
264 ~~approve, approve with conditions, or deny the application within~~  
265 ~~120 days following receipt of a completed application.~~

266 (c) A local government shall maintain on its website a  
267 policy containing procedures and expectations for expedited  
268 processing of those building permits and development orders  
269 required by law to be expedited.

270 (d)1. ~~(b)1.~~ When reviewing an application for a building  
271 permit, a local government may not request additional  
272 information from the applicant more than two ~~three~~ times, unless  
273 the applicant waives such limitation in writing.

274 2. If a local government requests additional information  
275 from an applicant and the applicant submits the requested  
276 additional information to the local government ~~within 30 days~~  
277 ~~after receiving the request~~, the local government must, within 9  
278 calendar ~~15~~ days after receiving such information:

279 a. Determine if the application is properly completed;  
280 b. Approve the application;  
281 c. Approve the application with conditions;  
282 ~~d. Deny the application;~~ or  
283 d.e. Advise the applicant in writing of any information, ~~if~~  
284 ~~any,~~ that is needed to ~~deem the application properly completed~~  
285 ~~or to~~ determine the sufficiency of the application.

286 ~~3. If a local government makes a second request for~~  
287 ~~additional information from the applicant and the applicant~~  
288 ~~submits the requested additional information to the local~~  
289 ~~government within 30 days after receiving the request, the local~~  
290 ~~government must, within 10 days after receiving such~~

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291 information:

292 ~~a. Determine if the application is properly completed;~~

293 ~~b. Approve the application;~~

294 ~~e. Approve the application with conditions;~~

295 ~~d. Deny the application; or~~

296 ~~e. Advise the applicant of information, if any, that is~~

297 ~~needed to deem the application properly completed or to~~

298 ~~determine the sufficiency of the application.~~

299 ~~3.4.~~ Before a second ~~third~~ request for additional  
300 information may be made, the local government must offer the  
301 applicant ~~must be offered~~ an opportunity to meet in person or  
302 virtually with the local government to attempt to resolve  
303 outstanding issues. Such meeting must occur within 5 calendar  
304 days after the applicant notifies the local government in  
305 writing that he or she wants an in-person or virtual meeting,  
306 unless the applicant agrees in writing to a later date.

307 4. If a local government makes a second ~~third~~ request for  
308 additional information from the applicant and the applicant  
309 submits the requested additional information to the local  
310 government ~~within 30 days after receiving the request,~~ unless  
311 the applicant waives the required timeframe in writing, the  
312 local government must, within 9 calendar ~~10~~ days after receiving  
313 such information ~~unless the applicant waived the local~~  
314 ~~government's limitation in writing,~~ determine that the  
315 application is complete and:

316 a. Approve the application;

317 b. Approve the application with conditions; or

318 c. Deny the application and provide the applicant with  
319 sufficient reason for such denial.

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320 5. If the applicant believes the request for additional  
321 information is not authorized by ordinance, rule, statute, or  
322 other legal authority, the local government, at the applicant's  
323 written request, must process the application within 9 calendar  
324 days after receipt of the request and ~~either~~ approve the  
325 application, approve the application with conditions, or deny  
326 the application and provide the applicant with sufficient reason  
327 for such denial.

328 6. If a local government does not timely notify the  
329 applicant that the application is approved, approved with  
330 conditions, or denied, the application is deemed approved.

331 (e) The following timeframes apply for single-family or  
332 two-family dwellings or townhomes located within a master plan  
333 community for which the permit for the master plan community has  
334 already been approved under s. 553.794:

335 1. After an applicant submits an application to the local  
336 government, the local government must provide written notice to  
337 the applicant within 1 calendar day after receipt of the  
338 application advising the applicant of any information that is  
339 needed to deem the application properly completed in compliance  
340 with the filing requirements published by the local government.  
341 If the local government does not provide timely written notice  
342 that the applicant has not submitted a properly completed  
343 application, the application is automatically deemed properly  
344 completed and sufficient.

345 2. Within 5 calendar days after receiving a completed  
346 application, a local government must provide written notice to  
347 an applicant if additional information is required for the local  
348 government to determine the sufficiency of the application,

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349 which notice must specify the additional information that is  
350 required. The applicant may submit the additional information to  
351 the local government or request that the local government act  
352 without the additional information.

353 3. When reviewing an application under this paragraph, a  
354 local government may not request additional information from the  
355 applicant more than once, unless the applicant waives such  
356 limitation in writing.

357 4. If a local government requests additional information  
358 from the applicant and the applicant submits the requested  
359 additional information to the local government, the local  
360 government must, within 5 calendar days after receiving such  
361 information, unless the applicant waived the local government's  
362 time limitation in writing, determine that the application is  
363 complete and:

364 a. Approve the application;  
365 b. Approve the application with conditions; or  
366 c. Deny the application and provide the applicant with  
367 sufficient reason for such denial.

368 5. If a local government does not timely notify the  
369 applicant that the application is approved, approved with  
370 conditions, or denied, the application is deemed approved.

371 6. If an owner or a contractor retains a private provider  
372 for purposes of plans review, the timeframes in subparagraphs  
373 2., 4., and 5. are reduced to 3 calendar days.

374 (f) A building permit for a single-family residential  
375 dwelling applied for by a contractor licensed in this state on  
376 behalf of a property owner who participates in a Community  
377 Development Block Grant-Disaster Recovery program administered

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378 by the Department of Commerce must be issued within 9 calendar  
379 days after receipt of the application unless the permit  
380 application fails to satisfy the Florida Building Code or the  
381 enforcing agency's laws or ordinances.

382 (g) ~~(e)~~ If a local government fails to meet a deadline  
383 specified under this subsection ~~provided in paragraphs (a) and~~  
384 ~~(b)~~, it must reduce the building permit fee by 10 percent for  
385 each calendar ~~business~~ day that it fails to meet the deadline,  
386 unless the parties agree in writing to a reasonable extension of  
387 time. Each 10-percent reduction must ~~shall~~ be based on the  
388 original amount of the building permit fee, unless the parties  
389 agree to an extension of time.

390 (h) A building permit issued for a single-family  
391 residential dwelling is valid indefinitely but must comply with  
392 any changes to the Florida Building Code or a local government's  
393 rules or ordinances which are made after the issuance of the  
394 building permit.

395 (2) (a) The procedures set forth in subsection (1) apply to  
396 the following building permit applications: accessory structure;  
397 alarm permit; nonresidential buildings less than 25,000 square  
398 feet; electric; irrigation permit; landscaping; mechanical;  
399 plumbing; residential units, including a single-family  
400 residential ~~other than a single-family unit~~ or a single-family  
401 residential dwelling; multifamily residential not exceeding 50  
402 units; roofing; signs; site-plan approvals and subdivision plats  
403 not requiring public hearings or public notice; and lot grading  
404 and site alteration associated with the permit application set  
405 forth in this subsection. The procedures set forth in subsection  
406 (1) do not apply to permits for any wireless communications

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407 facilities ~~or when a law, agency rule, or local ordinance~~  
408 ~~specify different timeframes for review of local building permit~~  
409 ~~applications.~~

410 (b) ~~If A local government must meet has different~~  
411 ~~timeframes than the timeframes specified set forth in subsection~~  
412 (1) for reviewing building permit applications described in  
413 paragraph (a) unless the timeframes established, ~~the local~~  
414 ~~government must meet the deadlines established by local~~  
415 ~~ordinance are more stringent than those prescribed in subsection~~  
416 ~~(1). If a local government does not meet an established deadline~~  
417 ~~to approve, approve with conditions, or deny an application, it~~  
418 ~~must reduce the building permit fee by 10 percent for each~~  
419 ~~business day that it fails to meet the deadline. Each 10-percent~~  
420 ~~reduction shall be based on the original amount of the building~~  
421 ~~permit fee, unless the parties agree to an extension of time.~~  
422 ~~This paragraph does not apply to permits for any wireless~~  
423 ~~communications facilities.~~

424 (4) (a) Upon request by an applicant, the local government  
425 shall issue no less than 50 percent of the permits for the  
426 dwelling to be built, but not occupied, in the applicant's  
427 residential community, so long as the developer or owner meets  
428 the requirements of s. 177.073(6). The permit application must  
429 also meet the requirements of the Florida Building Code.

430 (b) An applicant may contract to sell, but may not transfer  
431 ownership of, a residential structure or building located in the  
432 residential subdivision until the final plat is approved by the  
433 governing body and recorded in the public records by the clerk  
434 of the circuit court.

435 Section 5. Section 440.103, Florida Statutes, is amended to

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436 read:

437 440.103 Building permits; identification of minimum premium  
438 policy.—Every employer shall, as a condition to applying for and  
439 receiving a building permit, show proof and certify to the  
440 permit issuer that it has secured compensation for its employees  
441 under this chapter as provided in ss. 440.10 and 440.38. Such  
442 proof of compensation must be evidenced by a certificate of  
443 coverage issued by the carrier, a valid exemption certificate  
444 approved by the department, or a copy of the employer's  
445 authority to self-insure and shall be presented, electronically  
446 or physically, each time the employer applies for a building  
447 permit. As provided in s. 553.79(23) ~~s. 553.79(24)~~, for the  
448 purpose of inspection and record retention, site plans or  
449 building permits may be maintained at the worksite in the  
450 original form or in the form of an electronic copy. These plans  
451 and permits must be open to inspection by the building official  
452 or a duly authorized representative, as required by the Florida  
453 Building Code. As provided in s. 627.413(5), each certificate of  
454 coverage must show, on its face, whether or not coverage is  
455 secured under the minimum premium provisions of rules adopted by  
456 rating organizations licensed pursuant to s. 627.221. The words  
457 "minimum premium policy" or equivalent language shall be typed,  
458 printed, stamped, or legibly handwritten.

459 Section 6. This act shall take effect July 1, 2024.