

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

1 Committee/Subcommittee hearing bill: Commerce Committee
2 Representative Overdorf offered the following:

Amendment (with title amendment)

Remove lines 59-306 and insert:

makes a substantive change to the application. "Substantive change" in this paragraph means an applicant-initiated change of 15 percent or more in the proposed density, intensity, or square footage of a parcel.

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

(b) If a county makes a request for additional information and the applicant submits the required additional information

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17 within 30 days after receiving the request, the county must
18 review the application for completeness and issue a letter
19 indicating that all required information has been submitted or
20 specify with particularity any areas that are deficient within
21 30 days after receiving the additional information.

22 (c) If a county makes a second request for additional
23 information and the applicant submits the required additional
24 information within 30 days after receiving the request, the
25 county must review the application for completeness and issue a
26 letter indicating that all required information has been
27 submitted or specify with particularity any areas that are
28 deficient within 10 days after receiving the additional
29 information.

30 (d) Before a third request for additional information, the
31 applicant must be offered a meeting to attempt to resolve
32 outstanding issues. If a county makes a third request for
33 additional information and the applicant submits the required
34 additional information within 30 days after receiving the
35 request, the county must deem the application complete within 10
36 days after receiving the additional information or proceed to
37 process the application for approval or denial unless the
38 applicant waived the county's limitation in writing as described
39 in paragraph (a).

40 (e) Except as provided in subsection (7) ~~(5)~~, if the
41 applicant believes the request for additional information is not

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42 authorized by ordinance, rule, statute, or other legal
43 authority, the county, at the applicant's request, shall proceed
44 to process the application for approval or denial.

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

46 (a) Ten percent of the application fee if the county fails
47 to issue written notification of completeness or written
48 specification of areas of deficiency within 30 days after
49 receiving the application.

50 (b) Ten percent of the application fee if the county fails
51 to issue a written notification of completeness or written
52 specification of areas of deficiency within 30 days after
53 receiving the additional information pursuant to paragraph

54 (3)(b).

55 (c) Twenty percent of the application fee if the county
56 fails to issue a written notification of completeness or written
57 specification of areas of deficiency within 10 days after
58 receiving the additional information pursuant to paragraph

59 (3)(c).

60 (d) Fifty percent of the application fee if the county
61 fails to approve, approves with conditions, or denies the
62 application within 30 days after conclusion of the 120-day or
63 180-day timeframe specified in subsection (2).

64 (e) One hundred percent of the application fee if the
65 county fails to approve, approves with conditions, or denies an

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66 application 31 days or more after conclusion of the 120-day or
67 180-day timeframe specified in subsection (2).

68
69 A county is not required to issue a refund if the applicant and
70 the county agree to an extension of time, the delay is caused by
71 the applicant, or the delay is attributable to a force majeure
72 or other extraordinary circumstance.

73 (5)-(3) When a county denies an application for a
74 development permit or development order, the county shall give
75 written notice to the applicant. The notice must include a
76 citation to the applicable portions of an ordinance, rule,
77 statute, or other legal authority for the denial of the permit
78 or order.

79 (6)-(4) As used in this section, the terms "development
80 permit" and "development order" have the same meaning as in s.
81 163.3164, but do not include building permits.

82 (7)-(5) For any development permit application filed with
83 the county after July 1, 2012, a county may not require as a
84 condition of processing or issuing a development permit or
85 development order that an applicant obtain a permit or approval
86 from any state or federal agency unless the agency has issued a
87 final agency action that denies the federal or state permit
88 before the county action on the local development permit.

89 (8)-(6) Issuance of a development permit or development
90 order by a county does not in any way create any rights on the

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91 part of the applicant to obtain a permit from a state or federal
92 agency and does not create any liability on the part of the
93 county for issuance of the permit if the applicant fails to
94 obtain requisite approvals or fulfill the obligations imposed by
95 a state or federal agency or undertakes actions that result in a
96 violation of state or federal law. A county shall attach such a
97 disclaimer to the issuance of a development permit and shall
98 include a permit condition that all other applicable state or
99 federal permits be obtained before commencement of the
100 development.

101 ~~(9)-(7)~~ This section does not prohibit a county from
102 providing information to an applicant regarding what other state
103 or federal permits may apply.

104 Section 2. Section 166.033, Florida Statutes, is amended
105 to read:

106 166.033 Development permits and orders.—

107 (1) A municipality must specify in writing the minimum
108 information that must be submitted for an application for a
109 zoning approval, rezoning approval, subdivision approval,
110 certification, special exception, or variance. A municipality
111 must make the minimum information available for inspection and
112 copying at the location where the municipality receives
113 applications for development permits and orders, provide the
114 information to the applicant at a preapplication meeting, or
115 post the information on the municipality's website.

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116 (2) Within 5 business days after receiving an application
117 for approval of a development permit or development order, a
118 municipality shall confirm receipt of the application using
119 contact information provided by the applicant. Within 30 days
120 after receiving an application for approval of a development
121 permit or development order, a municipality must review the
122 application for completeness and issue a written notification to
123 the applicant ~~letter~~ indicating that all required information is
124 submitted or specify ~~specifying~~ with particularity any areas
125 that are deficient. If the application is deficient, the
126 applicant has 30 days to address the deficiencies by submitting
127 the required additional information. For applications that do
128 not require final action through a quasi-judicial hearing or a
129 public hearing, the municipality must approve, approve with
130 conditions, or deny the application for a development permit or
131 development order within 120 days after the municipality has
132 deemed the application complete., ~~or 180 days~~ For applications
133 that require final action through a quasi-judicial hearing or a
134 public hearing, the municipality must approve, approve with
135 conditions, or deny the application for a development permit or
136 development order within 180 days after the municipality has
137 deemed the application complete. Both parties may agree in
138 writing to a ~~reasonable request for~~ an extension of time,
139 particularly in the event of a force majeure or other
140 extraordinary circumstance. An approval, approval with

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141 conditions, or denial of the application for a development
142 permit or development order must include written findings
143 supporting the municipality's decision. The timeframes contained
144 in this subsection do not apply in an area of critical state
145 concern, as designated in s. 380.0552 or chapter 28-36, Florida
146 Administrative Code. The timeframes contained in this subsection
147 restart if an applicant makes a substantive change to the
148 application. "Substantive change" in this paragraph means an
149 applicant-initiated change of 15 percent or more in the proposed
150 density, intensity, or square footage of a parcel.

151 (3)-(2)(a) When reviewing an application for a development
152 permit or development order that is certified by a professional
153 listed in s. 403.0877, a municipality may not request additional
154 information from the applicant more than three times, unless the
155 applicant waives the limitation in writing.

156 (b) If a municipality makes a request for additional
157 information and the applicant submits the required additional
158 information within 30 days after receiving the request, the
159 municipality must review the application for completeness and
160 issue a letter indicating that all required information has been
161 submitted or specify with particularity any areas that are
162 deficient within 30 days after receiving the additional
163 information.

164 (c) If a municipality makes a second request for
165 additional information and the applicant submits the required

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166 additional information within 30 days after receiving the
167 request, the municipality must review the application for
168 completeness and issue a letter indicating that all required
169 information has been submitted or specify with particularity any
170 areas that are deficient within 10 days after receiving the
171 additional information.

172 (d) Before a third request for additional information, the
173 applicant must be offered a meeting to attempt to resolve
174 outstanding issues. If a municipality makes a third request for
175 additional information and the applicant submits the required
176 additional information within 30 days after receiving the
177 request, the municipality must deem the application complete
178 within 10 days after receiving the additional information or
179 proceed to process the application for approval or denial unless
180 the applicant waived the municipality's limitation in writing as
181 described in paragraph (a).

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

187 (4) A municipality must issue a refund to an applicant
188 equal to:

189 (a) Ten percent of the application fee if the municipality
190 fails to issue written notification of completeness or written

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191 specification of areas of deficiency within 30 days after
192 receiving the application.

193 (b) Ten percent of the application fee if the municipality
194 fails to issue written notification of completeness or written
195 specification of areas of deficiency within 30 days after
196 receiving the additional information pursuant to paragraph
197 (3)(b).

198 (c) Twenty percent of the application fee if the
199 municipality fails to issue written notification of completeness
200 or written specification of areas of deficiency within 10 days
201 after receiving the additional information pursuant to paragraph
202 (3)(c).

203 (d) Fifty percent of the application fee if the
204 municipality fails to approve, approves with conditions, or
205 denies the application within 30 days after conclusion of the
206 120-day or 180-day timeframe specified in subsection (2).

207 (e) One hundred percent of the application fee if the
208 municipality fails to approve, approves with conditions, or
209 denies an application 31 days or more after conclusion of the
210 120-day or 180-day timeframe specified in subsection (2).

211
212 A municipality is not required to issue a refund if the
213 applicant and the municipality agree to an extension of time,
214 the delay is caused by the applicant, or the delay is

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215 attributable to a force majeure or other extraordinary
216 circumstance.

217 ~~(5)-(3)~~ When a municipality denies an application for a
218 development permit or development order, the municipality shall
219 give written notice to the applicant. The notice must include a
220 citation to the applicable portions of an ordinance, rule,
221 statute, or other legal authority for the denial of the permit
222 or order.

223 ~~(6)-(4)~~ As used in this section, the terms "development
224 permit" and "development order" have the same meaning as in s.
225 163.3164, but do not include building permits.

226 ~~(7)-(5)~~ For any development permit application filed with
227 the municipality after July 1, 2012, a municipality may not
228 require as a condition of processing or issuing a development
229 permit or development order that an applicant obtain a permit or
230 approval from any state or federal agency unless the agency has
231 issued a final agency action that denies the federal or state
232 permit before the municipal action on the local development
233 permit.

234 ~~(8)-(6)~~ Issuance of a development permit or development
235 order by a municipality does not create any right on the part of
236 an applicant to obtain a permit from a state or federal agency
237 and does not create any liability on the part of the
238 municipality for issuance of the permit if the applicant fails
239 to obtain requisite approvals or fulfill the obligations imposed

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240 by a state or federal agency or undertakes actions that result
241 in a violation of state or federal law. A municipality shall
242 attach such a disclaimer to the issuance of development permits
243 and shall include a permit condition that all other applicable
244 state or federal permits be obtained before commencement of the
245 development.

246 ~~(9)(7)~~ This section does not prohibit a municipality from
247 providing information to an applicant regarding what other state
248 or federal permits may apply.

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

252

Remove lines 12-13 and insert:

253

providing an effective date.