



380702

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/24/2024	.	
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The Committee on Community Affairs (Ingoglia) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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) "Applicant" means a homebuilder or developer who files



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11 an application with the local governing body to identify the
12 percentage of planned homes, or the number of building permits,
13 that the local governing body must issue for a residential
14 subdivision or planned community.

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

19 (c) "Local building official" has the same meaning as in s.
20 553.791(1).

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

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

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



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40 issue for the residential subdivision or planned community. This
41 paragraph does not:

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

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

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

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

67 1. Restrict the governing body from issuing more than 75
68 percent of the building permits for the residential subdivision



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69 or planned community.

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

71 (3) A governing body shall create:

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

79 (b) A master building permit process consistent with s.
80 553.794 for applicants seeking multiple building permits for
81 residential subdivisions or planned communities. For purposes of
82 this paragraph, a master building permit is valid for 3
83 consecutive years after its issuance or until the adoption of a
84 new Florida Building Code, whichever is earlier. After a new
85 Florida Building Code is adopted, the applicant may apply for a
86 new master building permit, which, upon approval, is valid for 3
87 consecutive years.

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

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

95 (6) The governing body must issue the number or percentage
96 of building permits requested by an applicant in accordance with
97 the Florida Building Code and this section, provided the



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98 residential buildings or structures are unoccupied and all of
99 the following conditions are met:

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

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

106 (c) The applicant holds a valid performance bond for up to
107 130 percent of the necessary improvements, as defined in s.
108 177.031(9), that have not been completed upon submission of the
109 application under this section. For purposes of a master planned
110 community as defined in s. 163.3202(5)(b), a valid performance
111 bond is required on a phase-by-phase basis.

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

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

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

126 (a) The applicant relies in good faith on the approved



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127 preliminary plat or any amendments thereto.

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

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

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



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156 applicant's vested rights.

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

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

160 And the title is amended as follows:

161 Delete everything before the enacting clause

162 and insert:

163 A bill to be entitled

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



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185 preliminary plat when certain conditions are met;
186 prohibiting a governing body from making substantive
187 changes to a preliminary plat without written consent;
188 requiring an applicant to indemnify and hold harmless
189 certain entities and persons; providing an exception;
190 providing an effective date.