

By Senator Ingoglia

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1 A bill to be entitled
2 An act relating to expedited approval of residential
3 building permits; creating s. 177.073, F.S.; defining
4 terms; requiring certain governing bodies, by a date
5 certain, to create a program to expedite the process
6 for issuing residential building permits before a
7 final plat is recorded; providing requirements for
8 such program; providing an exception and construction;
9 requiring certain governing bodies, by a date certain,
10 to update their programs to conform to the Florida
11 Building Code; providing construction; requiring a
12 governing body to create certain processes for
13 purposes of the program; specifying the length of time
14 a master building permit is valid; authorizing
15 applicants to use a private provider for certain
16 reviews; authorizing a governing body to issue
17 addresses and temporary parcel identification numbers
18 for specified purposes; requiring a governing body to
19 issue a specified number or percentage of building
20 permits requested in an application when certain
21 conditions are met; setting forth certain conditions
22 for applicants who apply to the program; providing
23 that an applicant has a vested right in an approved
24 preliminary plat when certain conditions are met;
25 requiring a local building official and a local
26 governing body to mail a signed, certified letter with
27 specified information to the Department of Business
28 and Professional Regulation and the Department of
29 Commerce, respectively, after the governing body

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30 creates the program; providing an effective date.

31
32 Be It Enacted by the Legislature of the State of Florida:

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

36 177.073 Expedited approval of residential building permits
37 before a final plat is recorded.-

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

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

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

47 (c) "Local building official" has the same meaning as in s.
48 553.791(1).

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

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

57 (2) (a) By August 15, 2024, the governing body of a county
58 that has 75,000 residents or more and the governing body of a

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59 municipality that has 30,000 residents or more shall create a
60 program to expedite the process for issuing building permits for
61 residential subdivisions or planned communities in accordance
62 with the Florida Building Code and this section before a final
63 plat is recorded with the clerk of the circuit court. The
64 expedited process must include an application for an applicant
65 to identify the percentage of planned homes that the governing
66 body must issue for the residential subdivision or planned
67 community, not to exceed 50 percent of the residential
68 subdivision or planned community. This subsection does not
69 restrict a local government from issuing building permits that
70 exceed 50 percent of the residential subdivision or planned
71 community.

72 (b) A governing body that had a program in place before
73 July 1, 2023, to expedite the building permit process, need only
74 update its program to approve an applicant's written application
75 to issue up to 50 percent of the building permits for the
76 residential subdivision or planned community in order to comply
77 with this section. This paragraph does not prohibit a governing
78 body from issuing more than 50 percent of the building permits
79 for a residential subdivision or planned community. This
80 subsection does not restrict a local government from issuing
81 building permits that exceed 50 percent of the residential
82 subdivision or planned community.

83 (c) By December 31, 2028, the governing body of a county
84 that has 75,000 residents or more and the governing body of a
85 municipality that has 30,000 residents or more shall update its
86 program to expedite the process for issuing building permits for
87 residential subdivisions or planned communities in accordance

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88 with the Florida Building Code and this section before a final
89 plat is recorded with the clerk of the circuit court. The
90 expedited process must contain an application for an applicant
91 to identify the percentage, up to 75 percent, of planned homes
92 that the local governing body must issue for the residential
93 subdivision or planned community. This subsection does not
94 restrict a local government from issuing building permits that
95 exceed 75 percent of the residential subdivision or planned
96 community.

97 (3) A governing body shall create:

98 (a) A two-step application process that includes the
99 adoption of a preliminary plat and a final plat in order to
100 expedite the issuance of building permits under this section.
101 The application must allow an applicant to identify the
102 percentage of planned homes that the governing body must issue
103 for the residential subdivision or planned community. The
104 governing body shall maximize its administrative processes to
105 expedite the review and approval of applications, plats, and
106 plans submitted under this section.

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

116 (4) An applicant may use a private provider consistent with

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117 s. 553.791 to review a preliminary plat and building permit for
118 each residential building or structure.

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

123 (6) If an applicant requests a certain number or percentage
124 of building permits in his or her application, the governing
125 body must issue the number or percentage requested in accordance
126 with the Florida Building Code, provided the residential
127 buildings or structures are unoccupied and all of the following
128 conditions are met:

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

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

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

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

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146 court.

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

152 (c) An applicant must indemnify and hold harmless the
153 governing body and its agents and employees from damages
154 accruing and directly related to the issuance of a building
155 permit for a residential building or structure located in the
156 residential subdivision or planned community before the approval
157 and recording of the final plat by the governing body. This
158 includes damage resulting from fire, flood, construction
159 defects, and bodily injury.

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

163 (a) The applicant relies in good faith on the approved
164 preliminary plat.

165 (b) The applicant substantially changes his or her
166 position, including making improvements pursuant to s.
167 177.031(9), or incurs other obligations and expenses.

168 (c) Any change by the governing body and its agents and
169 employees from a cause of action directly related to the
170 issuance of a building permit would constitute an inequitable
171 interference in the approved preliminary plat.

172 (9) After a governing body creates the program required
173 under this section, the local building official shall send by
174 certified mail, return receipt requested, to the Department of

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175 Business and Professional Regulation a signed, certified letter
176 indicating that the program has been established. The letter
177 must contain a brief explanation of the program, including how
178 the program expedites the process of issuing building permits
179 for residential subdivisions or planned communities before the
180 final plat is recorded.

181 (10) After a governing body creates the program required
182 under this section, the local governing body shall send by
183 certified mail, return receipt requested, to the Department of
184 Commerce a signed, certified letter indicating that the program
185 has been established. The letter must contain a brief
186 explanation of the program, including how the program expedites
187 the process of issuing building permits for residential
188 subdivisions or planned communities before the final plat is
189 recorded.

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