

By the Committee on Community Affairs; and 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.; 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.
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30 Be It Enacted by the Legislature of the State of Florida:

31
32 Section 1. Section 177.073, Florida Statutes, is created to
33 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 plan
43 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 s.
47 553.791(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

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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

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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 with
116 s. 553.791 to expedite the application process as described in

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117 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 that
130 the applicant has provided a copy of the approved preliminary
131 plat, along with the approved plans, to the relevant electric,
132 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

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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 vested
151 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

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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.