

By the Committees on Regulated Industries; and 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 each 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 prohibiting the application or local government final
10 approval from altering or restricting the number of
11 building permits requested under certain
12 circumstances; requiring certain governing bodies to
13 update their program in a specified manner; providing
14 applicability; requiring a governing body to create
15 certain processes for purposes of the program;
16 authorizing applicants to use a private provider to
17 expedite the process for certain building permits;
18 authorizing a governing body to issue addresses and
19 temporary parcel identification numbers for specified
20 purposes; requiring a governing body to issue a
21 specified number or percentage of building permits
22 requested in an application when certain conditions
23 are met; setting forth certain conditions for
24 applicants who apply to the program; providing that an
25 applicant has a vested right in an approved
26 preliminary plat when certain conditions are met;
27 prohibiting a governing body from making substantive
28 changes to a preliminary plat without written consent;
29 requiring an applicant to indemnify and hold harmless

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30 certain entities and persons; providing an exception;
31 providing an effective date.

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

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

37 177.073 Expedited approval of residential building permits
38 before a final plat is recorded.—

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

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

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

49 (c) "Local building official" has the same meaning as in s.
50 553.791(1).

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

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

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59 (2) (a) By October 1, 2024, the governing body of a county
60 that has 75,000 residents or more and the governing body of a
61 municipality that has 30,000 residents or more shall each create
62 a program to expedite the process for issuing building permits
63 for residential subdivisions or planned communities in
64 accordance with the Florida Building Code and this section
65 before a final plat is recorded with the clerk of the circuit
66 court. The expedited process must include an application for an
67 applicant to identify the percentage of planned homes, not to
68 exceed 50 percent of the residential subdivision or planned
69 community, or the number of building permits that the governing
70 body must issue for the residential subdivision or planned
71 community. The application or the local government's final
72 approval may not alter or restrict the applicant from receiving
73 the number of building permits requested, so long as the request
74 does not exceed 50 percent of the planned homes of the
75 residential subdivision or planned community or the number of
76 building permits. This paragraph does not:

77 1. Restrict the governing body from issuing more than 50
78 percent of the building permits for the residential subdivision
79 or planned community.

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

81 3. Apply to a municipality with 25 acres or less of
82 contiguous land zoned for residential development or
83 agricultural purposes.

84 (b) A governing body that had a program in place before
85 July 1, 2023, to expedite the building permit process, need only
86 update their program to approve an applicant's written
87 application to issue up to 50 percent of the building permits

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88 for the residential subdivision or planned community in order to
89 comply with this section. This paragraph does not restrict a
90 governing body from issuing more than 50 percent of the building
91 permits for the residential subdivision or planned community.

92 (c) By December 31, 2027, the governing body of a county
93 that has 75,000 residents or more and the governing body of a
94 municipality that has 30,000 residents or more shall update
95 their programs to expedite the process for issuing building
96 permits for residential subdivisions or planned communities in
97 accordance with the Florida Building Code and this section
98 before a final plat is recorded with the clerk of the circuit
99 court. The expedited process must include an application for an
100 applicant to identify the percentage of planned homes, not to
101 exceed 75 percent of the residential subdivision or planned
102 community, or the number of building permits that the governing
103 body must issue for the residential subdivision or planned
104 community. This paragraph does not:

105 1. Restrict the governing body from issuing more than 75
106 percent of the building permits for the residential subdivision
107 or planned community.

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

109 3. Apply to a municipality with 25 acres or less of land
110 zoned for residential development or agricultural purposes.

111 (3) A governing body shall create:

112 (a) A two-step application process for the adoption of a
113 preliminary plat, inclusive of any plans, in order to expedite
114 the issuance of building permits under this section. The
115 application must allow an applicant to identify the percentage
116 of planned homes or the number of building permits that the

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117 governing body must issue for the residential subdivision or
118 planned community.

119 (b) A master building permit process consistent with s.
120 553.794 for applicants seeking multiple building permits for
121 residential subdivisions or planned communities. For purposes of
122 this paragraph, a master building permit is valid for 3
123 consecutive years after its issuance or until the adoption of a
124 new Florida Building Code, whichever is earlier. After a new
125 Florida Building Code is adopted, the applicant may apply for a
126 new master building permit, which, upon approval, is valid for 3
127 consecutive years.

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

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

135 (6) The governing body must issue the number or percentage
136 of building permits requested by an applicant in accordance with
137 the Florida Building Code and this section, provided the
138 residential buildings or structures are unoccupied and all of
139 the following conditions are met:

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

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

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146 (c) The applicant holds a valid performance bond for up to
147 130 percent of the necessary improvements, as defined in s.
148 177.031(9), that have not been completed upon submission of the
149 application under this section. For purposes of a master planned
150 community as defined in s. 163.3202(5)(b), a valid performance
151 bond is required on a phase-by-phase basis.

152 (7)(a) An applicant may contract to sell, but may not
153 transfer ownership of, a residential structure or building
154 located in the residential subdivision or planned community
155 until the final plat is approved by the governing body and
156 recorded in the public records by the clerk of the circuit
157 court.

158 (b) An applicant may not obtain a temporary or final
159 certificate of occupancy for each residential structure or
160 building for which a building permit is issued until the final
161 plat is approved by the governing body and recorded in the
162 public records by the clerk of the circuit court.

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

166 (a) The applicant relies in good faith on the approved
167 preliminary plat or any amendments thereto.

168 (b) The applicant incurs obligations and expenses,
169 commences construction of the residential subdivision or planned
170 community, and is continuing in good faith with the development
171 of the property.

172 (9) Upon the establishment of an applicant's vested rights
173 in accordance with subsection (8), a governing body may not make
174 substantive changes to the preliminary plat without the

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175 applicant's written consent.

176 (10) An applicant must indemnify and hold harmless the
177 local government, its governing body, its employees, and its
178 agents from liability or damages resulting from the issuance of
179 a building permit or the construction, reconstruction, or
180 improvement or repair of a residential building or structure,
181 including any associated utilities, located in the residential
182 subdivision or planned community. Additionally, an applicant
183 must indemnify and hold harmless the local government, its
184 governing body, its employees, and its agents from liability or
185 disputes resulting from the issuance of a certificate of
186 occupancy for a residential building or structure that is
187 constructed, reconstructed, improved, or repaired before the
188 approval and recordation of the final plat of the qualified
189 project. This indemnification includes, but is not limited to,
190 any liability and damage resulting from wind, fire, flood,
191 construction defects, bodily injury, and any actions, issues, or
192 disputes arising out of a contract or other agreement between
193 the developer and a utility operating in the residential
194 subdivision or planned community. However, this indemnification
195 does not extend to governmental actions that infringe on the
196 applicant's vested rights.

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