

By the Committees on Rules; Regulated Industries; and Community Affairs; and Senator Ingoglia

595-03342-24

2024812c3

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      requiring a governing body to establish a registry of  
19      qualified contractors for a specified purpose;  
20      prohibiting such qualified contractors hired to review  
21      an application from having a conflict of interest with  
22      the applicant; defining the term "conflict of  
23      interest"; authorizing a governing body to issue  
24      addresses and temporary parcel identification numbers  
25      for specified purposes; requiring a governing body to  
26      issue a specified number or percentage of building  
27      permits requested in an application when certain  
28      conditions are met; setting forth certain conditions  
29      for applicants who apply to the program; providing

595-03342-24

2024812c3

30 that an applicant has a vested right in an approved  
31 preliminary plat when certain conditions are met;  
32 prohibiting a governing body from making substantive  
33 changes to a preliminary plat without written consent;  
34 requiring an applicant to indemnify and hold harmless  
35 certain entities and persons; providing an exception;  
36 providing an effective date.

37  
38 Be It Enacted by the Legislature of the State of Florida:

39  
40 Section 1. Section 177.073, Florida Statutes, is created to  
41 read:

42 177.073 Expedited approval of residential building permits  
43 before a final plat is recorded.-

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

45 (a) "Applicant" means a homebuilder or developer who files  
46 an application with the local governing body to identify the  
47 percentage of planned homes, or the number of building permits,  
48 that the local governing body must issue for a residential  
49 subdivision or planned community.

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

54 (c) "Local building official" has the same meaning as in s.  
55 553.791(1).

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

595-03342-24

2024812c3

59 (e) "Preliminary plat" means a map or delineated  
60 representation of the subdivision of lands that is a complete  
61 and exact representation of the residential subdivision or  
62 planned community and contains any additional information needed  
63 to be in compliance with the requirements of this chapter.

64 (f) "Qualified contractor" includes, but is not limited to,  
65 an engineer or engineering firm licensed under chapter 471; a  
66 surveyor or mapper or a surveyor's or mapper's firm licensed  
67 under chapter 472; an architect or architecture firm licensed  
68 under part I of chapter 481; a landscape architect or landscape  
69 architecture firm registered under part II of chapter 481; or  
70 any other qualified professional who is certified in urban  
71 planning or environmental management.

72 (2) (a) By October 1, 2024, the governing body of a county  
73 that has 75,000 residents or more and any governing body of a  
74 municipality that has 25 acres or more of contiguous land that  
75 the local government has designated in the local government's  
76 comprehensive plan and future land use map as land that is  
77 agricultural or to be developed for residential purposes shall  
78 create a program to expedite the process for issuing building  
79 permits for residential subdivisions or planned communities in  
80 accordance with the Florida Building Code and this section  
81 before a final plat is recorded with the clerk of the circuit  
82 court. The expedited process must include an application for an  
83 applicant to identify the percentage of planned homes, not to  
84 exceed 50 percent of the residential subdivision or planned  
85 community, or the number of building permits that the governing  
86 body must issue for the residential subdivision or planned  
87 community. The application or the local government's final

595-03342-24

2024812c3

88 approval may not alter or restrict the applicant from receiving  
89 the number of building permits requested, so long as the request  
90 does not exceed 50 percent of the planned homes of the  
91 residential subdivision or planned community or the number of  
92 building permits. This paragraph does not:

93 1. Restrict the governing body from issuing more than 50  
94 percent of the building permits for the residential subdivision  
95 or planned community.

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

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

105 (c) By December 31, 2027, the governing body of a county  
106 that has 75,000 residents or more and any governing body of a  
107 municipality that has 25 acres or more of contiguous land that  
108 the local government has designated in the local government's  
109 comprehensive plan and future land use map as land that is  
110 agricultural or to be developed for residential purposes shall  
111 update their programs to expedite the process for issuing  
112 building permits for residential subdivisions or planned  
113 communities in accordance with the Florida Building Code and  
114 this section before a final plat is recorded with the clerk of  
115 the circuit court. The expedited process must include an  
116 application for an applicant to identify the percentage of

595-03342-24

2024812c3

117 planned homes, not to exceed 75 percent of the residential  
118 subdivision or planned community, or the number of building  
119 permits that the governing body must issue for the residential  
120 subdivision or planned community. This paragraph does not:

121 1. Restrict the governing body from issuing more than 75  
122 percent of the building permits for the residential subdivision  
123 or planned community.

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

125 (3) A governing body shall create:

126 (a) A two-step application process for the adoption of a  
127 preliminary plat, inclusive of any plans, in order to expedite  
128 the issuance of building permits under this section. The  
129 application must allow an applicant to identify the percentage  
130 of planned homes or the number of building permits that the  
131 governing body must issue for the residential subdivision or  
132 planned community.

133 (b) A master building permit process consistent with s.  
134 553.794 for applicants seeking multiple building permits for  
135 residential subdivisions or planned communities. For purposes of  
136 this paragraph, a master building permit is valid for 3  
137 consecutive years after its issuance or until the adoption of a  
138 new Florida Building Code, whichever is earlier. After a new  
139 Florida Building Code is adopted, the applicant may apply for a  
140 new master building permit, which, upon approval, is valid for 3  
141 consecutive years.

142 (4) (a) An applicant may use a private provider pursuant to  
143 s. 553.791 to expedite the application process for building  
144 permits after a preliminary plat is approved under this section.

145 (b) A governing body shall establish a registry of at least

595-03342-24

2024812c3

146 three qualified contractors whom the governing body may use to  
147 supplement staff resources in ways determined by the governing  
148 body for processing and expediting the review of an application  
149 for a preliminary plat or any plans related to such application.  
150 A qualified contractor on the registry who is hired pursuant to  
151 this section to review an application, or any part thereof, for  
152 a preliminary plat, or any part thereof, may not have a conflict  
153 of interest with the applicant. For purposes of this paragraph,  
154 the term "conflict of interest" has the same meaning as in s.  
155 112.312.

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

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

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

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

171 (c) The applicant holds a valid performance bond for up to  
172 130 percent of the necessary improvements, as defined in s.  
173 177.031(9), that have not been completed upon submission of the  
174 application under this section. For purposes of a master planned

595-03342-24

2024812c3

175 community as defined in s. 163.3202(5)(b), a valid performance  
176 bond is required on a phase-by-phase basis.

177 (7)(a) An applicant may contract to sell, but may not  
178 transfer ownership of, a residential structure or building  
179 located in the residential subdivision or planned community  
180 until the final plat is approved by the governing body and  
181 recorded in the public records by the clerk of the circuit  
182 court.

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

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

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

193 (b) The applicant incurs obligations and expenses,  
194 commences construction of the residential subdivision or planned  
195 community, and is continuing in good faith with the development  
196 of the property.

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

201 (10) An applicant must indemnify and hold harmless the  
202 local government, its governing body, its employees, and its  
203 agents from liability or damages resulting from the issuance of

595-03342-24

2024812c3

204 a building permit or the construction, reconstruction, or  
205 improvement or repair of a residential building or structure,  
206 including any associated utilities, located in the residential  
207 subdivision or planned community. Additionally, an applicant  
208 must indemnify and hold harmless the local government, its  
209 governing body, its employees, and its agents from liability or  
210 disputes resulting from the issuance of a certificate of  
211 occupancy for a residential building or structure that is  
212 constructed, reconstructed, improved, or repaired before the  
213 approval and recordation of the final plat of the qualified  
214 project. This indemnification includes, but is not limited to,  
215 any liability and damage resulting from wind, fire, flood,  
216 construction defects, bodily injury, and any actions, issues, or  
217 disputes arising out of a contract or other agreement between  
218 the developer and a utility operating in the residential  
219 subdivision or planned community. However, this indemnification  
220 does not extend to governmental actions that infringe on the  
221 applicant's vested rights.

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