

FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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BILL #: [HB 579](#)

TITLE: Development Permits and Orders

SPONSOR(S): Overdorf

COMPANION BILL: [SB 1080](#) (McClain)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Housing, Agriculture & Tourism](#)

17 Y, 0 N



[Intergovernmental Affairs](#)



[Commerce](#)

SUMMARY

Effect of the Bill:

The bill requires local governments to:

- Specify the minimum information required for certain zoning applications; and
- Process an application for a development permit or development order within certain timeframes.

The bill also prohibits a local government from limiting the number of quasi-judicial hearings or public hearings if such limitation causes delay in the consideration of an application.

Additionally, the bill provides that a local government must issue a refund to an applicant if the local government fails to meet certain timeframes when processing an application. There are exceptions to the requirement to issue a refund if certain conditions exist.

Fiscal or Economic Impact:

The bill has an indeterminate impact on local governments and the private sector.

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ANALYSIS

EFFECT OF THE BILL:

Minimum Information for Certain Zoning Applications

The bill requires that a local government¹ must specify in writing the minimum information that must be submitted in an application for a zoning approval, rezoning approval, subdivision approval, certification, special exception, or variance. Under the bill, the local government must:

- Make the minimum information available for inspection and copying at the location where the local government receives applications for development permits and orders;
- Provide the minimum information to the applicant at a preapplication meeting; or
- Post the minimum information on the local government's website. (Section [1](#) for counties; Section [2](#) for municipalities.)

Timeframes for Processing an Application

Within 5 business days after receiving an application for approval of a [development permit or development order](#), the bill requires that a local government must confirm receipt of the application using the contact information provided by the applicant. (Section [1](#) for counties; Section [2](#) for municipalities.)

¹ Local government means any county or municipality. See [s. 163.3164\(29\), F.S.](#)

The bill clarifies that, within 30 days after receiving an application for approval of a development permit or order, a local government must review the application for completeness and either:

- Issue a written notification to the applicant indicating that all required information is submitted; or
- Specify, with particularity and in writing, any areas that are deficient. (Section [1](#) for counties; Section [2](#) for municipalities.)

For an application for a development permit or order that **does not** require final action through a quasi-judicial hearing or public hearing, the bill requires a local government to, within **120 days** after the local government has deemed the application complete:

- Approve the application;
- Approve the application with conditions; or
- Deny the application. (Section [1](#) for counties; Section [2](#) for municipalities.)

For an application for a development permit or order that **does** require final action through a quasi-judicial hearing or public hearing, the bill requires a local government to, within **180 days** after the local government has deemed the application complete:

- Approve the application;
- Approve the application with conditions; or
- Deny the application. (Section [1](#) for counties; Section [2](#) for municipalities.)

The bill prohibits a local government from limiting the number of quasi-judicial hearings or public hearings held each month if such limitation causes any delay in the consideration of an application for approval of a development permit or order. (Section [1](#) for counties; Section [2](#) for municipalities.)

Additionally, the bill clarifies that a local government and an applicant may agree in writing to an extension of time for processing an application, particularly in the event of a force majeure or other extraordinary circumstance. (Section [1](#) for counties; Section [2](#) for municipalities.)

The bill provides that the foregoing timeframes restart if an applicant makes a substantive change to the application. The bill defines “substantive change” as an applicant-initiated change of 15 percent or more in the proposed density, intensity, or square footage of a parcel. (Section [1](#) for counties; Section [2](#) for municipalities.)

Requirement to Issue a Refund

The bill requires a local government to issue a refund to an applicant equal to:

- Ten percent of the application fee if the local government fails to issue written notification of completeness or written specification of areas of deficiency within 30 days after receiving the application.
- Ten percent of the application fee if the local government fails to issue a written notification of completeness or written specification of areas of deficiency within 30 days after receiving the additional information pursuant to an initial request by the local government to furnish such additional information.
- Twenty percent of the application fee if the local government fails to issue a written notification of completeness or written specification of areas of deficiency within 10 days after receiving the additional information pursuant to a second request by the local government to furnish such additional information.
- Fifty percent of the application fee if the local government fails to approve, approve with conditions, or deny the application within 30 days after conclusion of the 120-day or 180-day timeframe specified above.
- One hundred percent of the application fee if the local government fails to approve, approve with conditions, or deny an application 31 days or more after conclusion of the 120-day or 180-day timeframe specified above. (Section [1](#) for counties; Section [2](#) for municipalities.)

Under the bill, however, a local government is not required to issue a refund in any of the foregoing scenarios if:

- The applicant and the local government agree to an extension of time;
- The delay is caused by the applicant; or
- The delay is attributable to a force majeure or other extraordinary circumstance. (Section [1](#) for counties; Section [2](#) for municipalities.)

FISCAL OR ECONOMIC IMPACT:

LOCAL GOVERNMENT:

The bill may have an indeterminate negative fiscal impact on local governments to the extent those governments must issue refunds for failing to meet statutory deadlines relating to development permits and orders.

PRIVATE SECTOR:

The bill may have an indeterminate positive fiscal impact to the extent applicants receive refunds from counties and municipalities that fail to meet statutory deadlines relating to development permits and orders.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Comprehensive Planning

The Community Planning Act² provides counties and municipalities with the power to plan for future development by adopting comprehensive plans.³ Each county and municipality must maintain a comprehensive plan to guide future development and growth.⁴

All development, both public and private, and all development orders approved by local governments must be consistent with the local government's comprehensive plan.⁵ A comprehensive plan is intended to provide for the future use of land, which contemplates a gradual and ordered growth, and establishes a long-range maximum limit on the possible intensity of land use.⁶

A locality's comprehensive plan lays out the locations for future public facilities, including roads, water and sewer facilities, neighborhoods, parks, schools, and commercial and industrial developments.⁷ A comprehensive plan is made up of 10 required elements, each laying out regulations for a different facet of development.⁸ Local governments may also include optional elements in their comprehensive plan.⁹ The 10 required elements are:

- Capital improvements.
- Future land use plan.
- Transportation.
- General sanitary sewer, solid waste, drainage, potable water and natural groundwater aquifer recharge.
- Conservation.
- Recreation and open space.
- Housing.
- Coastal management.
- Intergovernmental coordination.
- Property rights.¹⁰

Development Permits and Orders

Under the Community Planning Act, a development permit is any official action of a local government permitting the development of land.¹¹ Development plans include, but are not limited to, building permits, zoning permits,

² Ch. 163, part II, F.S.

³ [S. 163.3167\(1\), F.S.](#)

⁴ [S. 163.3167\(2\), F.S.](#)

⁵ [S. 163.3194\(1\)\(a\), F.S.](#)

⁶ *See, e.g.*, Comprehensive Plan of Sarasota County, Fla. Codified through Ordinance No. 2024-028 (May 2024). Future Land Use Policy 1.1.1. https://library.municode.com/fl/sarasota_county/codes/comprehensive_plan?nodeId=ELEMENT_3LAUS (last visited Mar. 8, 2025).

⁷ [S. 163.3177\(1\), F.S.](#)

⁸ [S. 163.3177\(6\), F.S.](#)

⁹ [S. 163.3177\(1\)\(b\), F.S.](#)

¹⁰ *Id.*

¹¹ [S. 163.3164\(16\), F.S.](#)

subdivision approval, rezoning, certifications, special exceptions, and variances.¹² A development order is issued by a local government and grants, denies, or grants with conditions an application for a development permit.¹³

Within 30 days after receiving an application for approval of a development permit or development order, a county or municipality must review the application for completeness and issue a letter indicating that all required information is submitted or specify any areas that are deficient.¹⁴ If the application is deficient, the applicant has 30 days to address the deficiencies by submitting the required additional information.

Within 120 days after the county or municipality has deemed the application complete, or 180 days for applications that require final action through a quasi-judicial hearing or a public hearing, the county or municipality must approve, approve with conditions, or deny the application for a development permit or development order.¹⁵ Both the applicant and the local government may agree to an extension of time, particularly in the event of a force majeure or other extraordinary circumstance. An approval, approval with conditions, or denial of the application for a development permit or development order must include written findings supporting the county's decision. These timeframes do not apply in an area of critical state concern.

When reviewing an application for a development permit or development order, not including building permit applications, a county or municipality may not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing.¹⁶

If a county or municipality makes a request for additional information from the applicant and the applicant provides the information within 30 days of receiving the request, the county or the municipality must:

- Review the additional information and issue a letter to the applicant indicating that the application is complete or specify the remaining deficiencies within 30 days of receiving the information, if the request is the county's or municipality's first request.¹⁷
- Review the additional information and issue a letter to the applicant indicating that the application is complete or specify the remaining deficiencies within 10 days of receiving the additional information, if the request is the county's or municipality's second request.¹⁸
- Deem the application complete within 10 days of receiving the additional information or proceed to process the application for approval or denial unless the applicant waived the county's or municipality's time limitations in writing, if the request is the county's or municipality's third request.¹⁹

Before a third request for information, the applicant must be offered a meeting to attempt to resolve outstanding issues. If the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the applicant can request that the county or municipality proceed to process the application for approval or denial.²⁰

If a development permit or order is denied, the county or municipality must give written notice to the applicant and must reference the applicable legal authority for the denial of the permit.²¹

¹² *Id.*

¹³ See [ss. 125.022, F.S.](#), [163.3164\(15\), F.S.](#), and [166.033, F.S.](#)

¹⁴ [Ss. 125.022\(1\), F.S.](#) and [166.033\(1\), F.S.](#)

¹⁵ [Ss. 125.022\(1\), F.S.](#) and [166.033\(1\), F.S.](#)

¹⁶ [Ss. 125.022\(2\)\(a\) and 166.033\(2\)\(a\), F.S.](#)

¹⁷ [Ss. 125.022\(2\)\(b\) and 166.033\(2\)\(b\), F.S.](#)

¹⁸ [Ss. 125.022\(2\)\(c\) and 166.033\(2\)\(c\), F.S.](#)

¹⁹ [Ss. 125.022\(2\)\(d\) and 166.033\(2\)\(d\), F.S.](#)

²⁰ [Ss. 125.022\(2\)\(e\) and 166.033\(2\)\(e\), F.S.](#)

²¹ [Ss. 125.022\(3\) and 166.033\(3\), F.S.](#)

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2024	CS/HB 791	Overdorf, Esposito	Perry	The bill made it to the Second Reading Calendar in the House, but died before being voted off of the House Floor. The companion bill, SB 1150, was only heard in the first committee of reference.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Housing, Agriculture & Tourism Subcommittee	17 Y, 0 N		Curtin	Fletcher
Intergovernmental Affairs Subcommittee				
Commerce Committee				