

1 A bill to be entitled
2 An act relating to development permits and orders;
3 amending ss. 125.022 and 166.033, F.S.; requiring
4 counties and municipalities, respectively, to meet
5 specified requirements regarding the minimum
6 information necessary for certain zoning applications;
7 revising timeframes for processing applications for
8 approvals of development permits or development
9 orders; prohibiting counties and municipalities,
10 respectively, from limiting the number of quasi-
11 judicial or public hearings held each month in certain
12 circumstances; defining the term "substantive change";
13 providing refund parameters in situations where the
14 county or municipality, respectively, fails to meet
15 certain timeframes; providing exceptions; providing an
16 effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 **Section 1. Section 125.022, Florida Statutes, is amended**
21 **to read:**

22 125.022 Development permits and orders.—

23 (1) A county shall specify in writing the minimum
24 information that must be submitted in an application for a
25 zoning approval, rezoning approval, subdivision approval,

26 certification, special exception, or variance. A county shall
27 make the minimum information available for inspection and
28 copying at the location where the county receives applications
29 for development permits and orders, provide the information to
30 the applicant at a preapplication meeting, or post the
31 information on the county's website.

32 (2) Within 5 business days after receiving an application
33 for approval of a development permit or development order, a
34 county shall confirm receipt of the application using contact
35 information provided by the applicant. Within 30 days after
36 receiving an application for approval of a development permit or
37 development order, a county must review the application for
38 completeness and issue a written notification to the applicant
39 ~~letter~~ indicating that all required information is submitted or
40 specify in writing ~~specifying~~ with particularity any areas that
41 are deficient. If the application is deficient, the applicant
42 has 30 days to address the deficiencies by submitting the
43 required additional information. For applications that do not
44 require final action through a quasi-judicial hearing or a
45 public hearing, the county must approve, approve with
46 conditions, or deny the application for a development permit or
47 development order within 120 days after the county has deemed
48 the application complete., ~~or 180 days~~ For applications that
49 require final action through a quasi-judicial hearing or a
50 public hearing, the county must approve, approve with

51 conditions, or deny the application for a development permit or
52 development order within 180 days after the county has deemed
53 the application complete. A county may not limit the number of
54 quasi-judicial hearings or public hearings held each month if
55 such limitation causes any delay in the consideration of an
56 application for approval of a development permit or development
57 order. Both parties may agree in writing to a ~~reasonable request~~
58 ~~for~~ an extension of time, particularly in the event of a force
59 majeure or other extraordinary circumstance. An approval,
60 approval with conditions, or denial of the application for a
61 development permit or development order must include written
62 findings supporting the county's decision. The timeframes
63 contained in this subsection do not apply in an area of critical
64 state concern, as designated in s. 380.0552. The timeframes
65 contained in this subsection restart if an applicant makes a
66 substantive change to the application. As used in this
67 subsection, the term "substantive change" means an applicant-
68 initiated change of 15 percent or more in the proposed density,
69 intensity, or square footage of a parcel.

70 (3) (a) (2) (a) When reviewing an application for a
71 development permit or development order that is certified by a
72 professional listed in s. 403.0877, a county may not request
73 additional information from the applicant more than three times,
74 unless the applicant waives the limitation in writing.

75 (b) If a county makes a request for additional information

76 | and the applicant submits the required additional information
77 | within 30 days after receiving the request, the county must
78 | review the application for completeness and issue a letter
79 | indicating that all required information has been submitted or
80 | specify with particularity any areas that are deficient within
81 | 30 days after receiving the additional information.

82 | (c) If a county makes a second request for additional
83 | information and the applicant submits the required additional
84 | information within 30 days after receiving the request, the
85 | county must review the application for completeness and issue a
86 | letter indicating that all required information has been
87 | submitted or specify with particularity any areas that are
88 | deficient within 10 days after receiving the additional
89 | information.

90 | (d) Before a third request for additional information, the
91 | applicant must be offered a meeting to attempt to resolve
92 | outstanding issues. If a county makes a third request for
93 | additional information and the applicant submits the required
94 | additional information within 30 days after receiving the
95 | request, the county must deem the application complete within 10
96 | days after receiving the additional information or proceed to
97 | process the application for approval or denial unless the
98 | applicant waived the county's limitation in writing as described
99 | in paragraph (a).

100 | (e) Except as provided in subsection (7) ~~(5)~~, if the

101 applicant believes the request for additional information is not
102 authorized by ordinance, rule, statute, or other legal
103 authority, the county, at the applicant's request, shall proceed
104 to process the application for approval or denial.

105 (4) A county must issue a refund to an applicant equal to:

106 (a) Ten percent of the application fee if the county fails
107 to issue written notification of completeness or written
108 specification of areas of deficiency within 30 days after
109 receiving the application.

110 (b) Ten percent of the application fee if the county fails
111 to issue a written notification of completeness or written
112 specification of areas of deficiency within 30 days after
113 receiving the additional information pursuant to paragraph

114 (3) (b).

115 (c) Twenty percent of the application fee if the county
116 fails to issue a written notification of completeness or written
117 specification of areas of deficiency within 10 days after
118 receiving the additional information pursuant to paragraph

119 (3) (c).

120 (d) Fifty percent of the application fee if the county
121 fails to approve, approves with conditions, or denies the
122 application within 30 days after conclusion of the 120-day or
123 180-day timeframe specified in subsection (2).

124 (e) One hundred percent of the application fee if the
125 county fails to approve, approves with conditions, or denies an

126 application 31 days or more after conclusion of the 120-day or
127 180-day timeframe specified in subsection (2).

128
129 A county is not required to issue a refund if the applicant and
130 the county agree to an extension of time, the delay is caused by
131 the applicant, or the delay is attributable to a force majeure
132 or other extraordinary circumstance.

133 (5)-(3) When a county denies an application for a
134 development permit or development order, the county shall give
135 written notice to the applicant. The notice must include a
136 citation to the applicable portions of an ordinance, rule,
137 statute, or other legal authority for the denial of the permit
138 or order.

139 (6)-(4) As used in this section, the terms "development
140 permit" and "development order" have the same meaning as in s.
141 163.3164, but do not include building permits.

142 (7)-(5) For any development permit application filed with
143 the county after July 1, 2012, a county may not require as a
144 condition of processing or issuing a development permit or
145 development order that an applicant obtain a permit or approval
146 from any state or federal agency unless the agency has issued a
147 final agency action that denies the federal or state permit
148 before the county action on the local development permit.

149 (8)-(6) Issuance of a development permit or development
150 order by a county does not in any way create any rights on the

151 part of the applicant to obtain a permit from a state or federal
152 agency and does not create any liability on the part of the
153 county for issuance of the permit if the applicant fails to
154 obtain requisite approvals or fulfill the obligations imposed by
155 a state or federal agency or undertakes actions that result in a
156 violation of state or federal law. A county shall attach such a
157 disclaimer to the issuance of a development permit and shall
158 include a permit condition that all other applicable state or
159 federal permits be obtained before commencement of the
160 development.

161 ~~(9)-(7)~~ This section does not prohibit a county from
162 providing information to an applicant regarding what other state
163 or federal permits may apply.

164 **Section 2. Section 166.033, Florida Statutes, is amended**
165 **to read:**

166 166.033 Development permits and orders.—

167 (1) A municipality shall specify in writing the minimum
168 information that must be submitted for an application for a
169 zoning approval, rezoning approval, subdivision approval,
170 certification, special exception, or variance. A municipality
171 shall make the minimum information available for inspection and
172 copying at the location where the municipality receives
173 applications for development permits and orders, provide the
174 information to the applicant at a preapplication meeting, or
175 post the information on the municipality's website.

176 (2) Within 5 business days after receiving an application
177 for approval of a development permit or development order, a
178 municipality shall confirm receipt of the application using
179 contact information provided by the applicant. Within 30 days
180 after receiving an application for approval of a development
181 permit or development order, a municipality must review the
182 application for completeness and issue a written notification to
183 the applicant ~~letter~~ indicating that all required information is
184 submitted or specify in writing ~~specifying~~ with particularity
185 any areas that are deficient. If the application is deficient,
186 the applicant has 30 days to address the deficiencies by
187 submitting the required additional information. For applications
188 that do not require final action through a quasi-judicial
189 hearing or a public hearing, the municipality must approve,
190 approve with conditions, or deny the application for a
191 development permit or development order within 120 days after
192 the municipality has deemed the application complete. ~~or 180~~
193 ~~days~~ For applications that require final action through a quasi-
194 judicial hearing or a public hearing, the municipality must
195 approve, approve with conditions, or deny the application for a
196 development permit or development order within 180 days after
197 the municipality has deemed the application complete. A
198 municipality may not limit the number of quasi-judicial hearings
199 or public hearings held each month if such limitation causes any
200 delay in the consideration of an application for approval of a

201 development permit or development order. Both parties may agree
202 in writing to a ~~reasonable request~~ for an extension of time,
203 particularly in the event of a force majeure or other
204 extraordinary circumstance. An approval, approval with
205 conditions, or denial of the application for a development
206 permit or development order must include written findings
207 supporting the municipality's decision. The timeframes contained
208 in this subsection do not apply in an area of critical state
209 concern, as designated in s. 380.0552 or chapter 28-36, Florida
210 Administrative Code. The timeframes contained in this subsection
211 restart if an applicant makes a substantive change to the
212 application. As used in this subsection, the term "substantive
213 change" means an applicant-initiated change of 15 percent or
214 more in the proposed density, intensity, or square footage of a
215 parcel.

216 (3) (a) ~~(2) (a)~~ When reviewing an application for a
217 development permit or development order that is certified by a
218 professional listed in s. 403.0877, a municipality may not
219 request additional information from the applicant more than
220 three times, unless the applicant waives the limitation in
221 writing.

222 (b) If a municipality makes a request for additional
223 information and the applicant submits the required additional
224 information within 30 days after receiving the request, the
225 municipality must review the application for completeness and

226 | issue a letter indicating that all required information has been
227 | submitted or specify with particularity any areas that are
228 | deficient within 30 days after receiving the additional
229 | information.

230 | (c) If a municipality makes a second request for
231 | additional information and the applicant submits the required
232 | additional information within 30 days after receiving the
233 | request, the municipality must review the application for
234 | completeness and issue a letter indicating that all required
235 | information has been submitted or specify with particularity any
236 | areas that are deficient within 10 days after receiving the
237 | additional information.

238 | (d) Before a third request for additional information, the
239 | applicant must be offered a meeting to attempt to resolve
240 | outstanding issues. If a municipality makes a third request for
241 | additional information and the applicant submits the required
242 | additional information within 30 days after receiving the
243 | request, the municipality must deem the application complete
244 | within 10 days after receiving the additional information or
245 | proceed to process the application for approval or denial unless
246 | the applicant waived the municipality's limitation in writing as
247 | described in paragraph (a).

248 | (e) Except as provided in subsection (7) ~~(5)~~, if the
249 | applicant believes the request for additional information is not
250 | authorized by ordinance, rule, statute, or other legal

251 authority, the municipality, at the applicant's request, shall
252 proceed to process the application for approval or denial.

253 (4) A municipality must issue a refund to an applicant
254 equal to:

255 (a) Ten percent of the application fee if the municipality
256 fails to issue written notification of completeness or written
257 specification of areas of deficiency within 30 days after
258 receiving the application.

259 (b) Ten percent of the application fee if the municipality
260 fails to issue written notification of completeness or written
261 specification of areas of deficiency within 30 days after
262 receiving the additional information pursuant to paragraph

263 (3) (b).

264 (c) Twenty percent of the application fee if the
265 municipality fails to issue written notification of completeness
266 or written specification of areas of deficiency within 10 days
267 after receiving the additional information pursuant to paragraph
268 (3) (c).

269 (d) Fifty percent of the application fee if the
270 municipality fails to approve, approves with conditions, or
271 denies the application within 30 days after conclusion of the
272 120-day or 180-day timeframe specified in subsection (2).

273 (e) One hundred percent of the application fee if the
274 municipality fails to approve, approves with conditions, or
275 denies an application 31 days or more after conclusion of the

276 120-day or 180-day timeframe specified in subsection (2).

277

278 A municipality is not required to issue a refund if the
279 applicant and the municipality agree to an extension of time,
280 the delay is caused by the applicant, or the delay is
281 attributable to a force majeure or other extraordinary
282 circumstance.

283 (5)-(3) When a municipality denies an application for a
284 development permit or development order, the municipality shall
285 give written notice to the applicant. The notice must include a
286 citation to the applicable portions of an ordinance, rule,
287 statute, or other legal authority for the denial of the permit
288 or order.

289 (6)-(4) As used in this section, the terms "development
290 permit" and "development order" have the same meaning as in s.
291 163.3164, but do not include building permits.

292 (7)-(5) For any development permit application filed with
293 the municipality after July 1, 2012, a municipality may not
294 require as a condition of processing or issuing a development
295 permit or development order that an applicant obtain a permit or
296 approval from any state or federal agency unless the agency has
297 issued a final agency action that denies the federal or state
298 permit before the municipal action on the local development
299 permit.

300 (8)-(6) Issuance of a development permit or development

301 order by a municipality does not create any right on the part of
302 an applicant to obtain a permit from a state or federal agency
303 and does not create any liability on the part of the
304 municipality for issuance of the permit if the applicant fails
305 to obtain requisite approvals or fulfill the obligations imposed
306 by a state or federal agency or undertakes actions that result
307 in a violation of state or federal law. A municipality shall
308 attach such a disclaimer to the issuance of development permits
309 and shall include a permit condition that all other applicable
310 state or federal permits be obtained before commencement of the
311 development.

312 (9)~~(7)~~ This section does not prohibit a municipality from
313 providing information to an applicant regarding what other state
314 or federal permits may apply.

315 **Section 3.** This act shall take effect October 1, 2025.