

1 A bill to be entitled
 2 An act relating to local government land development;
 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; defining the term "substantive change";
 10 providing refund parameters in situations where the
 11 county or municipality, respectively, fails to meet
 12 certain timeframes; providing exceptions; amending s.
 13 163.3180, F.S.; prohibiting a school district from
 14 collecting, charging, or imposing any alternative fee
 15 for concurrency for educational facilities that does
 16 not meet certain requirements; providing standard of
 17 review for legal action challenging such fees;
 18 providing an effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:
 21

22 **Section 1. Section 125.022, Florida Statutes, is amended**
 23 **to read:**

24 125.022 Development permits and orders.—
 25 (1) A county shall specify in writing the minimum

26 | information that must be submitted in an application for a
 27 | zoning approval, rezoning approval, subdivision approval,
 28 | certification, special exception, or variance. A county shall
 29 | make the minimum information available for inspection and
 30 | copying at the location where the county receives applications
 31 | for development permits and orders, provide the information to
 32 | the applicant at a preapplication meeting, or post the
 33 | information on the county's website.

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

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

68 (3)-(2)(a) When reviewing an application for a development
69 permit or development order that is certified by a professional
70 listed in s. 403.0877, a county may not request additional
71 information from the applicant more than three times, unless the
72 applicant waives the limitation in writing.

73 (b) If a county makes a request for additional information
74 and the applicant submits the required additional information
75 within 30 days after receiving the request, the county must

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

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

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

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

101 authority, the county, at the applicant's request, shall proceed
102 to process the application for approval or denial.

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

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

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

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

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

122 (e) One hundred percent of the application fee if the
123 county fails to approve, approves with conditions, or denies an
124 application 31 days or more after conclusion of the 120-day or
125 180-day timeframe specified in subsection (2).

126
127 A county is not required to issue a refund if the applicant and
128 the county agree to an extension of time, the delay is caused by
129 the applicant, or the delay is attributable to a force majeure
130 or other extraordinary circumstance.

131 (5)~~(3)~~ When a county denies an application for a
132 development permit or development order, the county shall give
133 written notice to the applicant. The notice must include a
134 citation to the applicable portions of an ordinance, rule,
135 statute, or other legal authority for the denial of the permit
136 or order.

137 (6)~~(4)~~ As used in this section, the terms "development
138 permit" and "development order" have the same meaning as in s.
139 163.3164, but do not include building permits.

140 (7)~~(5)~~ For any development permit application filed with
141 the county after July 1, 2012, a county may not require as a
142 condition of processing or issuing a development permit or
143 development order that an applicant obtain a permit or approval
144 from any state or federal agency unless the agency has issued a
145 final agency action that denies the federal or state permit
146 before the county action on the local development permit.

147 (8)~~(6)~~ Issuance of a development permit or development
148 order by a county does not in any way create any rights on the
149 part of the applicant to obtain a permit from a state or federal
150 agency and does not create any liability on the part of the

151 county for issuance of the permit if the applicant fails to
152 obtain requisite approvals or fulfill the obligations imposed by
153 a state or federal agency or undertakes actions that result in a
154 violation of state or federal law. A county shall attach such a
155 disclaimer to the issuance of a development permit and shall
156 include a permit condition that all other applicable state or
157 federal permits be obtained before commencement of the
158 development.

159 ~~(9)-(7)~~ This section does not prohibit a county from
160 providing information to an applicant regarding what other state
161 or federal permits may apply.

162 **Section 2. Section 166.033, Florida Statutes, is amended**
163 **to read:**

164 166.033 Development permits and orders.—

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

174 (2) Within 5 business days after receiving an application
175 for approval of a development permit or development order, a

176 municipality shall confirm receipt of the application using
 177 contact information provided by the applicant. Within 30 days
 178 after receiving an application for approval of a development
 179 permit or development order, a municipality must review the
 180 application for completeness and issue a written notification to
 181 the applicant ~~letter~~ indicating that all required information is
 182 submitted or specify in writing ~~specifying~~ with particularity
 183 any areas that are deficient. If the application is deficient,
 184 the applicant has 30 days to address the deficiencies by
 185 submitting the required additional information. For applications
 186 that do not require final action through a quasi-judicial
 187 hearing or a public hearing, the municipality must approve,
 188 approve with conditions, or deny the application for a
 189 development permit or development order within 120 days after
 190 the municipality has deemed the application complete., ~~or 180~~
 191 ~~days~~ For applications that require final action through a quasi-
 192 judicial hearing or a public hearing, the municipality must
 193 approve, approve with conditions, or deny the application for a
 194 development permit or development order within 180 days after
 195 the municipality has deemed the application complete. Both
 196 parties may agree in writing to ~~a reasonable request for~~ an
 197 extension of time, particularly in the event of a force majeure
 198 or other extraordinary circumstance. An approval, approval with
 199 conditions, or denial of the application for a development
 200 permit or development order must include written findings

201 supporting the municipality's decision. The timeframes contained
202 in this subsection do not apply in an area of critical state
203 concern, as designated in s. 380.0552 or chapter 28-36, Florida
204 Administrative Code. The timeframes contained in this subsection
205 restart if an applicant makes a substantive change to the
206 application. As used in this subsection, the term "substantive
207 change" means an applicant-initiated change of 15 percent or
208 more in the proposed density, intensity, or square footage of a
209 parcel.

210 (3)~~(2)~~(a) When reviewing an application for a development
211 permit or development order that is certified by a professional
212 listed in s. 403.0877, a municipality may not request additional
213 information from the applicant more than three times, unless the
214 applicant waives the limitation in writing.

215 (b) If a municipality makes a request for additional
216 information and the applicant submits the required additional
217 information within 30 days after receiving the request, the
218 municipality must review the application for completeness and
219 issue a letter indicating that all required information has been
220 submitted or specify with particularity any areas that are
221 deficient within 30 days after receiving the additional
222 information.

223 (c) If a municipality makes a second request for
224 additional information and the applicant submits the required
225 additional information within 30 days after receiving the

226 request, the municipality must review the application for
227 completeness and issue a letter indicating that all required
228 information has been submitted or specify with particularity any
229 areas that are deficient within 10 days after receiving the
230 additional information.

231 (d) Before a third request for additional information, the
232 applicant must be offered a meeting to attempt to resolve
233 outstanding issues. If a municipality makes a third request for
234 additional information and the applicant submits the required
235 additional information within 30 days after receiving the
236 request, the municipality must deem the application complete
237 within 10 days after receiving the additional information or
238 proceed to process the application for approval or denial unless
239 the applicant waived the municipality's limitation in writing as
240 described in paragraph (a).

241 (e) Except as provided in subsection (7) ~~(5)~~, if the
242 applicant believes the request for additional information is not
243 authorized by ordinance, rule, statute, or other legal
244 authority, the municipality, at the applicant's request, shall
245 proceed to process the application for approval or denial.

246 (4) A municipality must issue a refund to an applicant
247 equal to:

248 (a) Ten percent of the application fee if the municipality
249 fails to issue written notification of completeness or written
250 specification of areas of deficiency within 30 days after

251 receiving the application.

252 (b) Ten percent of the application fee if the municipality
253 fails to issue written notification of completeness or written
254 specification of areas of deficiency within 30 days after
255 receiving the additional information pursuant to paragraph
256 (3) (b).

257 (c) Twenty percent of the application fee if the
258 municipality fails to issue written notification of completeness
259 or written specification of areas of deficiency within 10 days
260 after receiving the additional information pursuant to paragraph
261 (3) (c).

262 (d) Fifty percent of the application fee if the
263 municipality fails to approve, approves with conditions, or
264 denies the application within 30 days after conclusion of the
265 120-day or 180-day timeframe specified in subsection (2).

266 (e) One hundred percent of the application fee if the
267 municipality fails to approve, approves with conditions, or
268 denies an application 31 days or more after conclusion of the
269 120-day or 180-day timeframe specified in subsection (2).

270
271 A municipality is not required to issue a refund if the
272 applicant and the municipality agree to an extension of time,
273 the delay is caused by the applicant, or the delay is
274 attributable to a force majeure or other extraordinary
275 circumstance.

276 (5)~~(3)~~ When a municipality denies an application for a
277 development permit or development order, the municipality shall
278 give written notice to the applicant. The notice must include a
279 citation to the applicable portions of an ordinance, rule,
280 statute, or other legal authority for the denial of the permit
281 or order.

282 (6)~~(4)~~ As used in this section, the terms "development
283 permit" and "development order" have the same meaning as in s.
284 163.3164, but do not include building permits.

285 (7)~~(5)~~ For any development permit application filed with
286 the municipality after July 1, 2012, a municipality may not
287 require as a condition of processing or issuing a development
288 permit or development order that an applicant obtain a permit or
289 approval from any state or federal agency unless the agency has
290 issued a final agency action that denies the federal or state
291 permit before the municipal action on the local development
292 permit.

293 (8)~~(6)~~ Issuance of a development permit or development
294 order by a municipality does not create any right on the part of
295 an applicant to obtain a permit from a state or federal agency
296 and does not create any liability on the part of the
297 municipality for issuance of the permit if the applicant fails
298 to obtain requisite approvals or fulfill the obligations imposed
299 by a state or federal agency or undertakes actions that result
300 in a violation of state or federal law. A municipality shall

301 attach such a disclaimer to the issuance of development permits
302 and shall include a permit condition that all other applicable
303 state or federal permits be obtained before commencement of the
304 development.

305 ~~(9)(7)~~ This section does not prohibit a municipality from
306 providing information to an applicant regarding what other state
307 or federal permits may apply.

308 **Section 3. Paragraph (j) of subsection (6) of section**
309 **163.3180, Florida Statutes, is redesignated as paragraph (k),**
310 **and a new paragraph (j) is added to that subsection to read:**

311 163.3180 Concurrency.—

312 (6)

313 (j) A school district may not collect, charge, or impose
314 any alternative fee in lieu of an impact fee to mitigate the
315 impact of development on educational facilities unless such fee
316 meets the requirements of s. 163.31801(4)(f) and (g). In any
317 action challenging a fee under this paragraph, the school
318 district has the burden of proving by a preponderance of the
319 evidence that the imposition and amount of the fee meets the
320 requirements of state legal precedent.

321 **Section 4.** This act shall take effect October 1, 2025.