

1 A bill to be entitled
 2 An act relating to development permits; amending ss.
 3 125.022 and 166.033, F.S.; requiring counties and
 4 municipalities to attach certain disclaimers and
 5 include certain permit conditions when issuing
 6 development permits; requiring counties and
 7 municipalities to demonstrate that applicable permits
 8 have been obtained before development in mapped flood
 9 hazard areas; providing an effective date.

10

11 Be It Enacted by the Legislature of the State of Florida:

12

13 Section 1. Section 125.022, Florida Statutes, is amended
 14 to read:

15 125.022 Development permits.—When a county denies an
 16 application for a development permit, the county shall give
 17 written notice to the applicant. The notice must include a
 18 citation to the applicable portions of an ordinance, rule,
 19 statute, or other legal authority for the denial of the permit.
 20 As used in this section, the term "development permit" has the
 21 same meaning as in s. 163.3164. For any development permit
 22 application filed with the county after July 1, 2012, a county
 23 may not require as a condition of processing or issuing a
 24 development permit that an applicant obtain a permit or approval
 25 from any state or federal agency unless the agency has issued a
 26 final agency action that denies the federal or state permit
 27 before the county action on the local development permit.

28 Issuance of a development permit by a county does not in any way

29 create any rights on the part of the applicant to obtain a
 30 permit from a state or federal agency and does not create any
 31 liability on the part of the county for issuance of the permit
 32 if the applicant fails to obtain requisite approvals or fulfill
 33 the obligations imposed by a state or federal agency or
 34 undertakes actions that result in a violation of state or
 35 federal law. A county shall ~~may~~ attach such a disclaimer to the
 36 issuance of a development permit and shall ~~may~~ include a permit
 37 condition that all other applicable state or federal permits be
 38 obtained before commencement of the development. For all
 39 development in mapped flood hazard areas, the county must
 40 demonstrate that all other applicable state and federal permits
 41 have been obtained before the commencement of the development.

42 This section does not prohibit a county from providing
 43 information to an applicant regarding what other state or
 44 federal permits may apply.

45 Section 2. Section 166.033, Florida Statutes, is amended
 46 to read:

47 166.033 Development permits.—When a municipality denies an
 48 application for a development permit, the municipality shall
 49 give written notice to the applicant. The notice must include a
 50 citation to the applicable portions of an ordinance, rule,
 51 statute, or other legal authority for the denial of the permit.
 52 As used in this section, the term "development permit" has the
 53 same meaning as in s. 163.3164. For any development permit
 54 application filed with the municipality after July 1, 2012, a
 55 municipality may not require as a condition of processing or
 56 issuing a development permit that an applicant obtain a permit

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57 | or approval from any state or federal agency unless the agency
58 | has issued a final agency action that denies the federal or
59 | state permit before the municipal action on the local
60 | development permit. Issuance of a development permit by a
61 | municipality does not in any way create any right on the part of
62 | an applicant to obtain a permit from a state or federal agency
63 | and does not create any liability on the part of the
64 | municipality for issuance of the permit if the applicant fails
65 | to obtain requisite approvals or fulfill the obligations imposed
66 | by a state or federal agency or undertakes actions that result
67 | in a violation of state or federal law. A municipality shall ~~may~~
68 | attach such a disclaimer to the issuance of development permits
69 | and shall ~~may~~ include a permit condition that all other
70 | applicable state or federal permits be obtained before
71 | commencement of the development. For all development in mapped
72 | flood hazard areas, the municipality must demonstrate that all
73 | other applicable state and federal permits have been obtained
74 | before the commencement of the development. This section does
75 | not prohibit a municipality from providing information to an
76 | applicant regarding what other state or federal permits may
77 | apply.

78 | Section 3. This act shall take effect July 1, 2013.