

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED                                         (Y/N)  
ADOPTED AS AMENDED                         (Y/N)  
ADOPTED W/O OBJECTION                     (Y/N)  
FAILED TO ADOPT                              (Y/N)  
WITHDRAWN                                     (Y/N)  
OTHER                                          

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1 Committee/Subcommittee hearing bill: Regulatory Reform &  
2 Economic Development Subcommittee  
3 Representative Esposito offered the following:  
4

5            **Amendment (with title amendment)**

6            Remove lines 133-295 and insert:

7 each residential subdivision or planned community.

8            (b) The applicant provides proof to the governing body  
9 that the applicant has provided a copy of the approved  
10 preliminary plat, along with the approved plans, to the relevant  
11 electric, water, and wastewater utilities.

12            (c) The applicant holds a valid performance bond for up to  
13 130 percent of the necessary utilities, roads, and stormwater  
14 improvements that have not been completed upon submission of the  
15 application under this section. For purposes of master planned

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16 communities, as defined in s. 163.3202(5)(b), a valid  
17 performance bond is required on a phase-by-phase basis.

18 (7)(a) An applicant may contract to sell, but may not  
19 transfer ownership of, a residential structure or building  
20 located in the residential subdivision or planned community  
21 until the final plat is approved by the governing body and  
22 recorded in the public records by the clerk of the circuit  
23 court.

24 (b) An applicant may not obtain a final certificate of  
25 occupancy for each residential structure or building for which a  
26 building permit is issued until the final plat is approved by  
27 the governing body and recorded in the public records by the  
28 clerk of the circuit court.

29 (8) For purposes of this section, an applicant has a  
30 vested right in a preliminary plat that has been approved with  
31 conditions by a governing entity, if all of the following  
32 conditions are met:

33 (a) The applicant relies in good faith on the approved  
34 preliminary plat or any amendments thereto; and

35 (b) The applicant commences and is continuing in good  
36 faith with the development of the property.

37 (9) Upon the establishment of vested rights by applicant  
38 in subsection (8), a government entity may not make substantive  
39 changes to the preliminary plat without the applicant's written  
40 consent.

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41 (10) An applicant must indemnify and hold harmless the  
42 governing body and its agents and employees from damages  
43 accruing and directly related to the issuance of a building  
44 permit for a residential building or structure located in the  
45 residential subdivision or planned community before the approval  
46 and recording of the final plat by the governing body. This  
47 includes damage resulting from fire, flood, construction  
48 defects, and bodily injury, but excludes infringement of vested  
49 rights.

50 Section 2. Subsection (16) of section 553.79, Florida  
51 Statutes, is amended to read:

52 553.79 Permits; applications; issuance; inspections.—

53 ~~(16) Except as provided in paragraph (e), a building~~  
54 ~~permit for a single-family residential dwelling must be issued~~  
55 ~~within 30 business days after receiving the permit application~~  
56 ~~unless the permit application fails to satisfy the Florida~~  
57 ~~Building Code or the enforcing agency's laws or ordinances.~~

58 ~~(a) If a local enforcement agency fails to issue a~~  
59 ~~building permit for a single-family residential dwelling within~~  
60 ~~30 business days after receiving the permit application, it must~~  
61 ~~reduce the building permit fee by 10 percent for each business~~  
62 ~~day that it fails to meet the deadline. Each 10-percent~~  
63 ~~reduction shall be based on the original amount of the building~~  
64 ~~permit fee.~~

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65 ~~(b) A local enforcement agency does not have to reduce the~~  
66 ~~building permit fee if it provides written notice to the~~  
67 ~~applicant, by e-mail or United States Postal Service, within 30~~  
68 ~~business days after receiving the permit application, that~~  
69 ~~specifically states the reasons the permit application fails to~~  
70 ~~satisfy the Florida Building Code or the enforcing agency's laws~~  
71 ~~or ordinances. The written notice must also state that the~~  
72 ~~applicant has 10 business days after receiving the written~~  
73 ~~notice to submit revisions to correct the permit application and~~  
74 ~~that failure to correct the application within 10 business days~~  
75 ~~will result in a denial of the application.~~

76 ~~(c) The applicant has 10 business days after receiving the~~  
77 ~~written notice to address the reasons specified by the local~~  
78 ~~enforcement agency and submit revisions to correct the permit~~  
79 ~~application. If the applicant submits revisions within 10~~  
80 ~~business days after receiving the written notice, the local~~  
81 ~~enforcement agency has 10 business days after receiving such~~  
82 ~~revisions to approve or deny the building permit unless the~~  
83 ~~applicant agrees to a longer period in writing. If the local~~  
84 ~~enforcement agency fails to issue or deny the building permit~~  
85 ~~within 10 business days after receiving the revisions, it must~~  
86 ~~reduce the building permit fee by 20 percent for the first~~  
87 ~~business day that it fails to meet the deadline unless the~~  
88 ~~applicant agrees to a longer period in writing. For each~~  
89 ~~additional business day, but not to exceed 5 business days, that~~

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90 ~~the local enforcement agency fails to meet the deadline, the~~  
91 ~~building permit fee must be reduced by an additional 10 percent.~~  
92 ~~Each reduction shall be based on the original amount of the~~  
93 ~~building permit fee.~~

94 ~~(d) If any building permit fees are refunded under this~~  
95 ~~subsection, the surcharges provided in s. 468.631 or s. 553.721~~  
96 ~~must be recalculated based on the amount of the building permit~~  
97 ~~fees after the refund.~~

98 ~~(e) A building permit for a single-family residential~~  
99 ~~dwelling applied for by a contractor licensed in this state on~~  
100 ~~behalf of a property owner who participates in a Community~~  
101 ~~Development Block Grant-Disaster Recovery program administered~~  
102 ~~by the Department of Economic Opportunity must be issued within~~  
103 ~~15 working days after receipt of the application unless the~~  
104 ~~permit application fails to satisfy the Florida Building Code or~~  
105 ~~the enforcing agency's laws or ordinances.~~

106 Section 3. Subsections (1) and (2) of section 553.792,  
107 Florida Statutes, are amended and subsection (4) is added to  
108 that section, to read:

109 553.792 Building permit application to local government.-

110 (1) (a) The local government must approve, approve with  
111 conditions, or deny a building permit application following  
112 receipt of a completed and sufficient application within the  
113 following timelines, unless the applicant waives such limitation  
114 in writing:

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115 1. For an applicant using local government plans review to  
116 obtain a building permit, within 30 business days after  
117 receiving a complete and sufficient application.

118 2. For an applicant using a private provider consistent  
119 with s. 553.791 to obtain a building permit, within 15 business  
120 days after receiving a complete and sufficient application.

121 3. For an applicant for a master plan permit pursuant to  
122 paragraph (e), within 10 business days after receiving a  
123 complete and sufficient application.

124 4. For an applicant for a single-family residential  
125 dwelling applied for by a contractor licensed in this state on  
126 behalf of a property owner who participates in a Community  
127 Development Block Grant-Disaster Recovery program administered  
128 by the Department of Economic Opportunity, within 10 business  
129 days after receipt of the application unless the permit  
130 application fails to satisfy the Florida Building Code or the  
131 enforcing agency's laws or ordinances.

132  
133 If the local government does not approve, approve with  
134 conditions, or deny the completed and sufficient application  
135 within the required timeframes, the application is deemed or  
136 determined to be approved. A local government must meet the  
137 timeframes set forth in this section for reviewing building  
138 permit applications, unless the timeframes set by local

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139 ordinance are more stringent than those prescribed in this  
140 section.

141 (b) After ~~Within 10 days of~~ an applicant submits  
142 ~~submitting~~ an application to the local government, the local  
143 government must provide written notice to the applicant within 5  
144 business days after receipt of the application advising ~~shall~~  
145 ~~advise~~ the applicant what information, if any, is needed to deem  
146 or determine that the application is properly completed in  
147 compliance with the filing requirements published by the local  
148 government. If the local government does not provide timely  
149 written notice that the applicant has not submitted the properly  
150 completed application, the application shall be automatically  
151 deemed or determined to be properly completed and accepted.

152 (c)1. Within 10 business ~~45~~ days after receiving a  
153 completed application, a local government must provide written  
154 notice to ~~notify~~ an applicant if additional information is  
155 required for the local government to determine the sufficiency  
156 of the application, and the notice must ~~shall~~ specify the  
157 additional information that is required. The applicant may ~~must~~  
158 submit the additional information to the local government or  
159 request that the local government act without the additional  
160 information. ~~While the applicant responds to the request for~~  
161 ~~additional information, the 120-day period described in this~~  
162 ~~subsection is tolled. Both parties may agree to a reasonable~~  
163 ~~request for an extension of time, particularly in the event of a~~

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164 ~~force majeure or other extraordinary circumstance. When~~  
165 ~~reviewing an application for a building permit, a local~~  
166 ~~government may not request additional information from the~~  
167 ~~applicant more than two times, unless the applicant waives such~~  
168 ~~limitation in writing. If the local government requests~~  
169 ~~additional information for a second time, such request must be~~  
170 ~~within 10 business days of receiving the additional information~~  
171 ~~indicated in the first request, and the local government must~~  
172 ~~determine the sufficiency of the application within 10 business~~  
173 ~~days of receiving the requested additional information. If the~~  
174 ~~local government does not provide timely written notice that the~~  
175 ~~applicant must submit additional information to determine~~  
176 ~~whether the application is sufficient, the application shall be~~  
177 ~~automatically deemed or determined to be sufficient. The local~~  
178 ~~government must approve, approve with conditions, or deny the~~  
179 ~~application within 120 days following receipt of a completed~~  
180 ~~application.~~

181 2. Before a second request for additional information may  
182 be made, the local government must offer the applicant an  
183 opportunity to meet in person or virtually with the local  
184 government to attempt to resolve outstanding issues.

185 3. If the applicant believes the request for additional  
186 information is not authorized by ordinance, rule, statute, or  
187 other legal authority, the local government, at the applicant's



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188 written request, must process the application within 10 business  
189 days

190

191 -----

192 **T I T L E A M E N D M E N T**

193 Remove line 17 and insert:

194 the program; providing that an applicant has a vested right in  
195 an approved preliminary plat when certain conditions are met;  
196 amending s. 553.79, F.S.; removing