

26 are met; setting forth certain conditions for
 27 applicants who apply to the program; providing that an
 28 applicant has a vested right in an approved
 29 preliminary plat when certain conditions are met;
 30 prohibiting a governing body from making substantive
 31 changes to a preliminary plat without written consent;
 32 requiring an applicant to indemnify and hold harmless
 33 certain entities and persons; providing an exception;
 34 providing an effective date.

35

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

37

38 Section 1. Section 177.073, Florida Statutes, is created
 39 to read:

40 177.073 Expedited approval of residential building permits
 41 before a final plat is recorded.-

42 (1) As used in this section, the term:

43 (a) "Applicant" means a homebuilder or developer who files
 44 an application with the local governing body to identify the
 45 percentage of planned homes, or the number of building permits,
 46 that the local governing body must issue for a residential
 47 subdivision or planned community.

48 (b) "Final plat" means the final tracing, map, or site
 49 plan presented by the subdivider to a governing body for final
 50 approval, and, upon approval by the appropriate governing body,

51 is submitted to the clerk of the circuit court for recording.

52 (c) "Local building official" has the same meaning as in
53 s. 553.791(1).

54 (d) "Plans" means any building plans, construction plans,
55 engineering plans, or site plans, or their functional
56 equivalent, submitted by an applicant for a building permit.

57 (e) "Preliminary plat" means a map or delineated
58 representation of the subdivision of lands that is a complete
59 and exact representation of the residential subdivision or
60 planned community and contains any additional information needed
61 to be in compliance with the requirements of this chapter.

62 (f) "Qualified contractor" includes, but is not limited
63 to, an engineer or engineering firm licensed under chapter 471;
64 a surveyor or mapper or a surveyor's or mapper's firm licensed
65 under chapter 472; an architect or architecture firm licensed
66 under part I of chapter 481; a landscape architect or landscape
67 architecture firm registered under part II of chapter 481; or
68 any other qualified professional who is certified in urban
69 planning or environmental management.

70 (2)(a) By October 1, 2024, any governing body of a county
71 that has 75,000 residents or more and any governing body of a
72 municipality that has 25 acres or more of contiguous land that
73 the local government has designated in its comprehensive plan
74 and future land use map as land that is agricultural or to be
75 developed for residential purposes shall create a program to

76 expedite the process for issuing building permits for
 77 residential subdivisions or planned communities in accordance
 78 with the Florida Building Code and this section before a final
 79 plat is recorded with the clerk of the circuit court. The
 80 expedited process must include an application for an applicant
 81 to identify the percentage of planned homes, not to exceed 50
 82 percent of the residential subdivision or planned community, or
 83 the number of building permits that the governing body must
 84 issue for the residential subdivision or planned community. An
 85 application or the governing body's final approval of an
 86 application may not alter or restrict the applicant from
 87 receiving the number of building permits requested, as long as
 88 the request does not exceed 50 percent of the planned homes in
 89 the residential subdivision or planned community or the number
 90 of building permits. This paragraph does not:

91 1. Restrict the governing body from issuing more than 50
 92 percent of the building permits for the residential subdivision
 93 or planned community.

94 2. Apply to a county subject to s. 380.0552.

95 (b) A governing body that had a program in place before
 96 July 1, 2023, to expedite the building permit process, need only
 97 update their program to approve an applicant's written
 98 application to issue up to 50 percent of the building permits
 99 for the residential subdivision or planned community in order to
 100 comply with this section. This paragraph does not restrict a

101 governing body from issuing more than 50 percent of the building
102 permits for the residential subdivision or planned community.

103 (c) By December 31, 2027, any governing body of a county
104 that has 75,000 residents or more and any governing body of a
105 municipality that has 25 acres or more of contiguous land that
106 the local government has designated in its comprehensive plan
107 and future land use map as land that is agricultural or to be
108 developed for residential purposes shall update its program to
109 expedite the process for issuing building permits for
110 residential subdivisions or planned communities in accordance
111 with the Florida Building Code and this section before a final
112 plat is recorded with the clerk of the circuit court. The
113 expedited process must include an application for an applicant
114 to identify the percentage of planned homes, not to exceed 75
115 percent of the residential subdivision or planned community, or
116 the number of building permits that the governing body must
117 issue for the residential subdivision or planned community. This
118 paragraph does not:

119 1. Restrict the governing body from issuing more than 75
120 percent of the building permits for the residential subdivision
121 or planned community.

122 2. Apply to a county subject to s. 380.0552.

123 (3) A governing body shall create:

124 (a) A two-step application process for the adoption of a
125 preliminary plat, inclusive of any plans, in order to expedite

126 the issuance of building permits under this section. The
127 application must allow an applicant to identify the percentage
128 of planned homes or the number of building permits that the
129 governing body must issue for the residential subdivision or
130 planned community.

131 (b) A master building permit process consistent with s.
132 553.794 for applicants seeking multiple building permits for
133 residential subdivisions or planned communities. For purposes of
134 this paragraph, a master building permit is valid for 3
135 consecutive years after its issuance or until the adoption of a
136 new Florida Building Code, whichever is earlier. After a new
137 Florida Building Code is adopted, the applicant may apply for a
138 new master building permit, which, upon approval, is valid for 3
139 consecutive years.

140 (4) (a) An applicant may use a private provider pursuant to
141 s. 553.791 to expedite the application process for building
142 permits after a preliminary plat is approved under this section.

143 (b) A governing body must establish a registry of at least
144 three qualified contractors who the governing body may use to
145 supplement staff resources, as determined by the governing body,
146 for processing and expediting the review of an application for a
147 preliminary plat or any plans related to such application. A
148 qualified contractor on the registry who is hired pursuant to
149 this section to review an application, or any part thereof, for
150 a preliminary plat, or any part thereof, may not have a conflict

151 of interest with the applicant. For purposes of this paragraph,
152 the term "conflict of interest" has the same meaning as in s.
153 112.312.

154 (5) A governing body may work with appropriate local
155 government agencies to issue an address and a temporary parcel
156 identification number for lot lines and lot sizes based on the
157 metes and bounds of the plat contained in the application.

158 (6) The governing body must issue the number or percentage
159 of building permits requested by an applicant in accordance with
160 the Florida Building Code and this section, provided the
161 residential buildings or structures are unoccupied and all of
162 the following conditions are met:

163 (a) The governing body has approved a preliminary plat for
164 each residential subdivision or planned community.

165 (b) The applicant provides proof to the governing body
166 that the applicant has provided a copy of the approved
167 preliminary plat, along with the approved plans, to the relevant
168 electric, gas, water, and wastewater utilities.

169 (c) The applicant holds a valid performance bond for up to
170 130 percent of the necessary improvements, as defined in s.
171 177.031(9), that have not been completed upon submission of the
172 application under this section. For purposes of a master planned
173 community as defined in s. 163.3202(5)(b), a valid performance
174 bond is required on a phase-by-phase basis.

175 (7)(a) An applicant may contract to sell, but may not

176 transfer ownership of, a residential structure or building
177 located in the residential subdivision or planned community
178 until the final plat is approved by the governing body and
179 recorded in the public records by the clerk of the circuit
180 court.

181 (b) An applicant may not obtain a temporary or final
182 certificate of occupancy for each residential structure or
183 building for which a building permit is issued until the final
184 plat is approved by the governing body and recorded in the
185 public records by the clerk of the circuit court.

186 (8) For purposes of this section, an applicant has a
187 vested right in a preliminary plat that has been approved by a
188 governing body if all of the following conditions are met:

189 (a) The applicant relies in good faith on the approved
190 preliminary plat or any amendments thereto.

191 (b) The applicant incurs obligations and expenses,
192 commences construction of the residential subdivision or planned
193 community, and is continuing in good faith with the development
194 of the property.

195 (9) Upon the establishment of an applicant's vested rights
196 in accordance with subsection (8), a governing body may not make
197 substantive changes to the preliminary plat without the
198 applicant's written consent.

199 (10) An applicant must indemnify and hold harmless the
200 local government, its governing body, its employees, and its

201 agents from liability or damages resulting from the issuance of
202 a building permit or the construction, reconstruction, or
203 improvement or repair of a residential building or structure,
204 including any associated utilities, located in the residential
205 subdivision or planned community. Additionally, an applicant
206 must indemnify and hold harmless the local government, its
207 governing body, its employees, and its agents from liability or
208 disputes resulting from the issuance of a certificate of
209 occupancy for a residential building or structure that is
210 constructed, reconstructed, improved, or repaired before the
211 approval and recordation of the final plat of the qualified
212 project. This indemnification includes, but is not limited to,
213 any liability and damage resulting from wind, fire, flood,
214 construction defects, bodily injury, and any actions, issues, or
215 disputes arising out of a contract or other agreement between
216 the developer and a utility operating in the residential
217 subdivision or planned community. However, this indemnification
218 does not extend to governmental actions that infringe on the
219 applicant's vested rights.

220 Section 2. This act shall take effect upon becoming a law.