

HB 791

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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; providing refund parameters in situations  
10          where the county or municipality, respectively, fails  
11          to meet certain timeframes; providing exceptions;  
12          amending s. 163.3164, F.S.; defining the term  
13          "substantive change"; providing an effective date.  
14

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

16  
17          Section 1. Section 125.022, Florida Statutes, is amended  
18          to read:

19          125.022 Development permits and orders.—

20          (1) A county must specify in writing the minimum  
21 information that must be submitted in an application for a  
22 zoning approval, rezoning approval, subdivision approval,  
23 certification, special exception, or variance. A county must  
24 make the minimum information available for inspection and  
25 copying at the location where the county receives applications

26 for development permits and orders, provide the information to  
 27 the applicant at a preapplication meeting, or post the  
 28 information on the county's website.

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

51 ~~reasonable request for~~ an extension of time, particularly in the  
52 event of a force majeure or other extraordinary circumstance. An  
53 approval, approval with conditions, or denial of the application  
54 for a development permit or development order must include  
55 written findings supporting the county's decision. The  
56 timeframes contained in this subsection do not apply in an area  
57 of critical state concern, as designated in s. 380.0552. The  
58 timeframes contained in this subsection restart if an applicant  
59 makes a substantive change, as defined in s. 163.3164, to the  
60 application.

61 (3)-(2)(a) When reviewing an application for a development  
62 permit or development order that is certified by a professional  
63 listed in s. 403.0877, a county may not request additional  
64 information from the applicant more than three times, unless the  
65 applicant waives the limitation in writing.

66 (b) If a county makes a request for additional information  
67 and the applicant submits the required additional information  
68 within 30 days after receiving the request, the county must  
69 review the application for completeness and issue a letter  
70 indicating that all required information has been submitted or  
71 specify with particularity any areas that are deficient within  
72 30 days after receiving the additional information.

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

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76 county must review the application for completeness and issue a  
77 letter indicating that all required information has been  
78 submitted or specify with particularity any areas that are  
79 deficient within 10 days after receiving the additional  
80 information.

81 (d) Before a third request for additional information, the  
82 applicant must be offered a meeting to attempt to resolve  
83 outstanding issues. If a county makes a third request for  
84 additional information and the applicant submits the required  
85 additional information within 30 days after receiving the  
86 request, the county must deem the application complete within 10  
87 days after receiving the additional information or proceed to  
88 process the application for approval or denial unless the  
89 applicant waived the county's limitation in writing as described  
90 in paragraph (a).

91 (e) Except as provided in subsection (7) ~~(5)~~, if the  
92 applicant believes the request for additional information is not  
93 authorized by ordinance, rule, statute, or other legal  
94 authority, the county, at the applicant's request, shall proceed  
95 to process the application for approval or denial.

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

97 (a) Ten percent of the application fee if the county fails  
98 to issue written notification of completeness or written  
99 specification of areas of deficiency within 30 days after  
100 receiving the application.

101        (b) Ten percent of the application fee if the county fails  
 102 to issue a written notification of completeness or written  
 103 specification of areas of deficiency within 30 days after  
 104 receiving the additional information pursuant to paragraph  
 105 (3) (b).

106        (c) Twenty percent of the application fee if the county  
 107 fails to issue a written notification of completeness or written  
 108 specification of areas of deficiency within 10 days after  
 109 receiving the additional information pursuant to paragraph  
 110 (3) (c).

111        (d) Fifty percent of the application fee if the county  
 112 fails to approve, approves with conditions, or denies the  
 113 application within 30 days after conclusion of the 120-day or  
 114 180-day timeframe specified in subsection (2).

115        (e) One hundred percent of the application fee if the  
 116 county fails to approve, approves with conditions, or denies an  
 117 application 31 days or more after conclusion of the 120-day or  
 118 180-day timeframe specified in subsection (2).

119  
 120 A county is not required to issue a refund if the applicant and  
 121 the county agree to an extension of time, the delay is caused by  
 122 the applicant, or the delay is attributable to a force majeure  
 123 or other extraordinary circumstance.

124        ~~(5)~~~~(3)~~ When a county denies an application for a  
 125 development permit or development order, the county shall give

126 written notice to the applicant. The notice must include a  
127 citation to the applicable portions of an ordinance, rule,  
128 statute, or other legal authority for the denial of the permit  
129 or order.

130 (6)~~(4)~~ As used in this section, the terms "development  
131 permit" and "development order" have the same meaning as in s.  
132 163.3164, but do not include building permits.

133 (7)~~(5)~~ For any development permit application filed with  
134 the county after July 1, 2012, a county may not require as a  
135 condition of processing or issuing a development permit or  
136 development order that an applicant obtain a permit or approval  
137 from any state or federal agency unless the agency has issued a  
138 final agency action that denies the federal or state permit  
139 before the county action on the local development permit.

140 (8)~~(6)~~ Issuance of a development permit or development  
141 order by a county does not in any way create any rights on the  
142 part of the applicant to obtain a permit from a state or federal  
143 agency and does not create any liability on the part of the  
144 county for issuance of the permit if the applicant fails to  
145 obtain requisite approvals or fulfill the obligations imposed by  
146 a state or federal agency or undertakes actions that result in a  
147 violation of state or federal law. A county shall attach such a  
148 disclaimer to the issuance of a development permit and shall  
149 include a permit condition that all other applicable state or  
150 federal permits be obtained before commencement of the

151 development.

152 ~~(9)(7)~~ This section does not prohibit a county from  
 153 providing information to an applicant regarding what other state  
 154 or federal permits may apply.

155 Section 2. Section 166.033, Florida Statutes, is amended  
 156 to read:

157 166.033 Development permits and orders.—

158 (1) A municipality must specify in writing the minimum  
 159 information that must be submitted for an application for a  
 160 zoning approval, rezoning approval, subdivision approval,  
 161 certification, special exception, or variance. A municipality  
 162 must make the minimum information available for inspection and  
 163 copying at the location where the municipality receives  
 164 applications for development permits and orders, provide the  
 165 information to the applicant at a preapplication meeting, or  
 166 post the information on the municipality's website.

167 (2) Within 5 business days after receiving an application  
 168 for approval of a development permit or development order, a  
 169 municipality shall confirm receipt of the application using  
 170 contact information provided by the applicant. Within 30 days  
 171 after receiving an application for approval of a development  
 172 permit or development order, a municipality must review the  
 173 application for completeness and issue a written notification to  
 174 the applicant ~~letter~~ indicating that all required information is  
 175 submitted or specify ~~specifying~~ with particularity any areas

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176 that are deficient. If the application is deficient, the  
177 applicant has 30 days to address the deficiencies by submitting  
178 the required additional information. For applications that do  
179 not require final action through a quasi-judicial hearing or a  
180 public hearing, the municipality must approve, approve with  
181 conditions, or deny the application for a development permit or  
182 development order within 120 days after the municipality has  
183 deemed the application complete. ~~, or 180 days~~ For applications  
184 that require final action through a quasi-judicial hearing or a  
185 public hearing, the municipality must approve, approve with  
186 conditions, or deny the application for a development permit or  
187 development order within 180 days after the municipality has  
188 deemed the application complete. Both parties may agree in  
189 writing to a reasonable request for an extension of time,  
190 particularly in the event of a force majeure or other  
191 extraordinary circumstance. An approval, approval with  
192 conditions, or denial of the application for a development  
193 permit or development order must include written findings  
194 supporting the municipality's decision. The timeframes contained  
195 in this subsection do not apply in an area of critical state  
196 concern, as designated in s. 380.0552 or chapter 28-36, Florida  
197 Administrative Code. The timeframes contained in this subsection  
198 restart if an applicant makes a substantive change, as defined  
199 in s. 163.3164, to the application.

200 (3)-(2)(a) When reviewing an application for a development



201 permit or development order that is certified by a professional  
202 listed in s. 403.0877, a municipality may not request additional  
203 information from the applicant more than three times, unless the  
204 applicant waives the limitation in writing.

205 (b) If a municipality makes a request for additional  
206 information and the applicant submits the required additional  
207 information within 30 days after receiving the request, the  
208 municipality must review the application for completeness and  
209 issue a letter indicating that all required information has been  
210 submitted or specify with particularity any areas that are  
211 deficient within 30 days after receiving the additional  
212 information.

213 (c) If a municipality makes a second request for  
214 additional information and the applicant submits the required  
215 additional information within 30 days after receiving the  
216 request, the municipality must review the application for  
217 completeness and issue a letter indicating that all required  
218 information has been submitted or specify with particularity any  
219 areas that are deficient within 10 days after receiving the  
220 additional information.

221 (d) Before a third request for additional information, the  
222 applicant must be offered a meeting to attempt to resolve  
223 outstanding issues. If a municipality makes a third 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 deem the application complete  
227 within 10 days after receiving the additional information or  
228 proceed to process the application for approval or denial unless  
229 the applicant waived the municipality's limitation in writing as  
230 described in paragraph (a).

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

236 (4) A municipality must issue a refund to an applicant  
237 equal to:

238 (a) Ten percent of the application fee if the municipality  
239 fails to issue written notification of completeness or written  
240 specification of areas of deficiency within 30 days after  
241 receiving the application.

242 (b) Ten percent of the application fee if the municipality  
243 fails to issue written notification of completeness or written  
244 specification of areas of deficiency within 30 days after  
245 receiving the additional information pursuant to paragraph

246 (3) (b).

247 (c) Twenty percent of the application fee if the  
248 municipality fails to issue written notification of completeness  
249 or written specification of areas of deficiency within 10 days  
250 after receiving the additional information pursuant to paragraph

251 (3) (c).

252 (d) Fifty percent of the application fee if the  
 253 municipality fails to approve, approves with conditions, or  
 254 denies the application within 30 days after conclusion of the  
 255 120-day or 180-day timeframe specified in subsection (2).

256 (e) One hundred percent of the application fee if the  
 257 municipality fails to approve, approves with conditions, or  
 258 denies an application 31 days or more after conclusion of the  
 259 120-day or 180-day timeframe specified in subsection (2).

260  
 261 A municipality is not required to issue a refund if the  
 262 applicant and the municipality agree to an extension of time,  
 263 the delay is caused by the applicant, or the delay is  
 264 attributable to a force majeure or other extraordinary  
 265 circumstance.

266 (5)-(3) When a municipality denies an application for a  
 267 development permit or development order, the municipality shall  
 268 give written notice to the applicant. The notice must include a  
 269 citation to the applicable portions of an ordinance, rule,  
 270 statute, or other legal authority for the denial of the permit  
 271 or order.

272 (6)-(4) As used in this section, the terms "development  
 273 permit" and "development order" have the same meaning as in s.  
 274 163.3164, but do not include building permits.

275 (7)-(5) For any development permit application filed with

276 the municipality after July 1, 2012, a municipality may not  
277 require as a condition of processing or issuing a development  
278 permit or development order that an applicant obtain a permit or  
279 approval from any state or federal agency unless the agency has  
280 issued a final agency action that denies the federal or state  
281 permit before the municipal action on the local development  
282 permit.

283 (8)~~(6)~~ Issuance of a development permit or development  
284 order by a municipality does not create any right on the part of  
285 an applicant to obtain a permit from a state or federal agency  
286 and does not create any liability on the part of the  
287 municipality for issuance of the permit if the applicant fails  
288 to obtain requisite approvals or fulfill the obligations imposed  
289 by a state or federal agency or undertakes actions that result  
290 in a violation of state or federal law. A municipality shall  
291 attach such a disclaimer to the issuance of development permits  
292 and shall include a permit condition that all other applicable  
293 state or federal permits be obtained before commencement of the  
294 development.

295 (9)~~(7)~~ This section does not prohibit a municipality from  
296 providing information to an applicant regarding what other state  
297 or federal permits may apply.

298 Section 3. Subsections (46) through (52) of section  
299 163.3164, Florida Statutes, are renumbered as subsections (47)  
300 through (53), respectively, and a new subsection (46) is added

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301 to that section to read:

302 163.3164 Community Planning Act; definitions.—As used in  
303 this act:

304 (46) "Substantive change" means an applicant initiated  
305 change of 15 percent or more in the proposed density, intensity,  
306 or square footage of a parcel.

307 Section 4. This act shall take effect October 1, 2024.