A bill to be entitled

An act relating to construction permits; amending 125.022, F.S.; amending the requirements for when counties request certain information; amending 125.56, F.S.; amending the requirements that counties post building permit applications and its procedures for reviewing applications online and allow applicants to submit applications electronically; amending 166.033, F.S.; amending the requirements for when municipalities request certain information; amending 553.79, F.S.; amending the requirements that local governments post building permit applications and its procedures for reviewing applications online and allow applicants to submit applications; providing for a reduction of fees in certain circumstances; requiring certain surcharges be recalculated under certain conditions; amending 553.792, F.S.; providing for a reduction of fees in certain circumstances; requiring certain surcharges be recalculated under certain conditions; amending s. 553.794, F.S.; providing for a reduction of fees in certain circumstances; requiring certain surcharges be recalculated under certain conditions; amending 713.135, F.S.; providing that building permit authorities may not require applicants to provide certain contracts for certain types of

building permits; providing an effective date.

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

Section 1. Subsection (2) of section 125.022, Florida Statutes, is amended to read:

125.022 Development permits and orders.—

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

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

(c) If a county makes a second request for additional information and the applicant submits the required additional information within 30 days of receiving the request, the county must review the application for completeness and issue a letter indicating that all required information has been submitted or specify with particularity any areas that are deficient within

10 days of receiving the additional information.

(d) Before a third request for additional information, the applicant must be offered a meeting to attempt to resolve outstanding issues. If a county makes a third request for additional information and the applicant submits the required additional information within 30 days of receiving the request, it must deem the application complete within 10 days or proceed to process the application for approval or denial unless the applicant waived the county's limitation in writing described in paragraph (a).

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

Section 2. Paragraph (b) of subsection (4) of section 125.56, Florida Statutes, is amended, and a new paragraph (f) is added to that subsection to read:

125.56 Enforcement and amendment of the Florida Building Code and the Florida Fire Prevention Code; inspection fees; inspectors; etc.—

(4)

(b) A county that issues building permits shall post each type of building permit application, including a list of all required attachments, drawings, or other requirements for each

type of application, on its website. A county must post and update the status of every received application on its website until the issuance of the building permit. Completed applications, including payments, attachments, drawings, or other requirements or parts of the completed permit application, must be able to be submitted electronically to the county building department. Accepted methods of electronic submission include, but are not limited to, e-mail submission of applications in Portable Document Format or submission of applications through an electronic fill-in form available on the building department's website or through a third-party submission management software. Completed applications, including payments, attachments, ~~or~~ drawings, or other requirements or parts ~~required as part~~ of the completed permit application, may also be submitted in person in a nonelectronic format, at the discretion of the building official.

(f) A county that issues building permits must post its procedures for processing, reviewing, and approving submitted building permit applications on its website.

Section 3. Subsection (2) of section 166.033, Florida Statutes, is amended to read:

166.033 Development permits and orders.—

(2)(a) When reviewing an application for a development permit or development order that is certified by a professional listed in s. 403.0877, a municipality may not request additional

information from the applicant more than three times, unless the applicant waives the limitation in writing.

(b) If a municipality makes a request for additional information and the applicant submits the required additional information within 30 days of receiving the request, the municipality must review the application for completeness and issue a letter indicating that all required information was submitted or specify with particularity any areas that are deficient within 30 days of receiving the additional information.

(c) If a municipality makes a second request for additional information and the applicant submits the required additional information within 30 days of receiving the request, the municipality must review the application for completeness and issue a letter indicating that all required information was submitted or specify with particularity any areas that are deficient within 10 days of receiving the additional information.

(d) Before a third request for additional information, the applicant must be offered a meeting to attempt to resolve outstanding issues. If a municipality makes a third request for additional information and the applicant submits the required additional information within 30 days of receiving the request, it must deem the application complete within 10 days or proceed to process the application for approval or denial unless the

applicant waived the municipality's limitation in writing described in paragraph (a).

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

Section 4. Paragraph (b) of subsection (1) and subsection (14) are amended, new paragraph (d) is added to that subsection (1), to read:

553.79 Permits; applications; issuance; inspections.—

(1)

(b) A local enforcement agency shall post each type of building permit application, including a list of all required attachments, drawings, or any other requirement for each type of application, on its website. A local enforcement agency must post the current status of every received application on its website until the issuance of the building permit. Completed applications, including payments, attachments, drawings, or any other requirements or parts of the completed permit application, must be able to be submitted electronically to the appropriate building department. Accepted methods of electronic submission include, but are not limited to, e-mail submission of applications in Portable Document Format or submission of applications through an electronic fill-in form available on the

building department's website or through a third-party submission management software. Completed applications, including payments, attachments, ~~or~~ drawings, or any other requirements or parts ~~required as part~~ of the completed permit application, may also be submitted in person in a nonelectronic format, at the discretion of the building official.

(d) A local enforcement agency must post its procedures for processing, reviewing, and approving submitted building permit applications on its website.

(14) A building permit for a single-family residential dwelling must be issued within 30 business ~~working~~ days of receiving the application ~~therefor~~ unless ~~unusual circumstances require a longer time for processing the application or unless~~ the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances.

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

(b) A local enforcing agency does not have to reduce such fee, if the enforcing agency provides written notice to the applicant, by e-mail or United States Postal Service, within 30

business days of receiving the application, that specifically states why the application fails to satisfy the Florida Building Code, or the enforcing agency's laws or ordinances.

(c) The applicant has 10 business days to address the reasons specified by the local enforcing agency and submit revisions to correct the application. If the permit applicant submits revisions within 10 business days of receiving the notice, the local enforcing agency has 10 business days to approve or deny the permit unless the applicant agrees to a longer period in writing. If the local enforcing agency fails to issue or deny the building permit within 10 business days of receiving the revisions, it must reduce the permit fee by 20 percent for the first day that the enforcing agency fails to meet the deadline unless the applicant agrees to a longer period in writing. For each additional business day after the first day that the enforcing agency fails to meet the deadline, the permit fee must be reduced by an additional 10 percent for each business day that the enforcing agency fails to meet the deadline, for up to 5 business days. Each reduction shall be based on the original amount of the building permit fee.

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

Section 5. Section 553.792, Florida Statutes, is amended

to read:

553.792 Building permit application to local government.—

(1)(a) Within 10 days of an applicant submitting an application to the local government, the local government shall advise the applicant what information, if any, is needed to deem the application properly completed in compliance with the filing requirements published by the local government. If the local government does not provide written notice that the applicant has not submitted the properly completed application, the application shall be automatically deemed properly completed and accepted. Within 45 days after receiving a completed application, a local government must notify an applicant if additional information is required for the local government to determine the sufficiency of the application, and shall specify the additional information that is required. The applicant must submit the additional information to the local government or request that the local government act without the additional information. While the applicant responds to the request for additional information, the 120-day period described in this subsection is tolled. Both parties may agree to a reasonable request for an extension of time, particularly in the event of a force majeure ~~major~~ or other extraordinary circumstance. The local government must approve, approve with conditions, or deny the application within 120 days following receipt of a completed application.

(b) If a local government does not meet a deadline provided for in paragraph (a), it must reduce the building permit fee by 10 percent for each business day that the enforcing agency fails to meet the deadline. Each 10 percent reduction shall be based on the original amount of the building permit fee, unless the parties agree to an extension of time.

(2)(a) The procedures set forth in subsection (1) apply to the following building permit applications: accessory structure; alarm permit; nonresidential buildings less than 25,000 square feet; electric; irrigation permit; landscaping; mechanical; plumbing; residential units other than a single family unit; multifamily residential not exceeding 50 units; roofing; signs; site-plan approvals and subdivision plats not requiring public hearings or public notice; and lot grading and site alteration associated with the permit application set forth in this subsection. The procedures set forth in subsection (1) do not apply to permits for any wireless communications facilities or when a law, agency rule, or local ordinance specify different timeframes for review of local building permit applications.

(b) If a local government has different timeframes than the procedures set forth in subsection (1) for reviewing building permit applications described in paragraph (a), the local government must meet the deadlines established by local ordinance. If a local government does not meet an established deadline to approve, approve with conditions, or deny an

application, it must reduce the building permit fee by 10 percent for each business day the enforcing agency fails to meet the deadline. Each 10 percent reduction shall be based on the original amount of the building permit fee, unless the parties agree to an extension of time. This paragraph does not apply to permits for any wireless communications facilities.

(3) If any permit fees are refunded under this section, the surcharges provided for in s. 553.721 or s. 468.631 must be recalculated based on the amount of the permit fees after the refund.

Section 6. Paragraph (c) of subsection (5) of section 553.794, Florida Statutes, is amended to read:

553.794 Local government residential master building permit program.—

(5) MASTER BUILDING PERMIT APPLICATION APPROVAL PROCESS.—

(c) The local building department must approve or deny a master building permit application within 120 days after the local building department receives a completed application, unless the applicant agrees to a longer period. If a local building department fails to approve or deny a master building permit application within 120 days of receiving the completed application, it must reduce the building permit fee by 10 percent for each business day the enforcing agency fails to meet the deadline, unless the applicant agrees to a longer time period. Each 10 percent reduction shall be based on the original

amount of the building permit fee. If any permit fees are refunded, the surcharges provided for in s. 553.721 or s. 468.631 must be recalculated based on the amount of the permit fees after the refund.

Section 7. Present subsections (6) through (7) of section 713.135, Florida Statutes, are redesignated as subsections (7) through (8), respectively, new subsection (6) is added to that section, to read:

713.135 Notice of commencement and applicability of lien.—

(6) An authority that issues building permits may not require an applicant to provide a direct contract or a contract between a contractor and any other lienor as a condition of the application for, or processing or issuance of, a building permit for the construction of improvements or for the alteration or repair of improvements on or to commercial property. This subsection does not apply to the construction of improvements or the alteration or repair of improvements owned or leased by the federal government, the state or any county, city, or political subdivision thereof, or other public authority.

Section 8. This act shall take effect October 1, 2021.