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1
2 An act relating to expedited approval of residential
3 building permits; creating s. 177.073, F.S.; providing
4 definitions; requiring certain governing bodies, by a
5 date certain, to each create a program to expedite the
6 process for issuing residential building permits
7 before a final plat is recorded; requiring the
8 expedited process to include a certain application;
9 prohibiting the application or local government final
10 approval from altering or restricting the number of
11 building permits requested under certain
12 circumstances; requiring certain governing bodies to
13 update their program in a specified manner; providing
14 applicability; requiring a governing body to create
15 certain processes for purposes of the program;
16 authorizing applicants to use a private provider to
17 expedite the process for certain building permits;
18 requiring a governing body to establish a registry of
19 qualified contractors for a specified purpose;
20 prohibiting such qualified contractors hired to review
21 an application from having a conflict of interest with
22 the applicant; defining the term "conflict of
23 interest"; authorizing a governing body to issue
24 addresses and temporary parcel identification numbers
25 for specified purposes; requiring a governing body to
26 issue a specified number or percentage of building
27 permits requested in an application when certain
28 conditions are met; setting forth certain conditions
29 for applicants who apply to the program; providing

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30 that an applicant has a vested right in an approved
31 preliminary plat when certain conditions are met;
32 prohibiting a governing body from making substantive
33 changes to a preliminary plat without written consent;
34 requiring an applicant to indemnify and hold harmless
35 certain entities and persons; providing an exception;
36 providing an effective date.

37
38 Be It Enacted by the Legislature of the State of Florida:

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

42 177.073 Expedited approval of residential building permits
43 before a final plat is recorded.—

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

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

50 (b) "Final plat" means the final tracing, map, or site plan
51 presented by the subdivider to a governing body for final
52 approval, and, upon approval by the appropriate governing body,
53 is submitted to the clerk of the circuit court for recording.

54 (c) "Local building official" has the same meaning as in s.
55 553.791(1).

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

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

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

72 (2) (a) By October 1, 2024, the governing body of a county
73 that has 75,000 residents or more and any governing body of a
74 municipality that has 10,000 residents or more and 25 acres or
75 more of contiguous land that the local government has designated
76 in the local government's comprehensive plan and future land use
77 map as land that is agricultural or to be developed for
78 residential purposes shall create a program to expedite the
79 process for issuing building permits for residential
80 subdivisions or planned communities in accordance with the
81 Florida Building Code and this section before a final plat is
82 recorded with the clerk of the circuit court. The expedited
83 process must include an application for an applicant to identify
84 the percentage of planned homes, not to exceed 50 percent of the
85 residential subdivision or planned community, or the number of
86 building permits that the governing body must issue for the
87 residential subdivision or planned community. The application or

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88 the local government's final approval may not alter or restrict
89 the applicant from receiving the number of building permits
90 requested, so long as the request does not exceed 50 percent of
91 the planned homes of the residential subdivision or planned
92 community or the number of building permits. This paragraph does
93 not:

94 1. Restrict the governing body from issuing more than 50
95 percent of the building permits for the residential subdivision
96 or planned community.

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

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

106 (c) By December 31, 2027, the governing body of a county
107 that has 75,000 residents or more and any governing body of a
108 municipality that has 10,000 residents or more and 25 acres or
109 more of contiguous land that the local government has designated
110 in the local government's comprehensive plan and future land use
111 map as land that is agricultural or to be developed for
112 residential purposes shall update their programs to expedite the
113 process for issuing building permits for residential
114 subdivisions or planned communities in accordance with the
115 Florida Building Code and this section before a final plat is
116 recorded with the clerk of the circuit court. The expedited

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117 process must include an application for an applicant to identify
118 the percentage of planned homes, not to exceed 75 percent of the
119 residential subdivision or planned community, or the number of
120 building permits that the governing body must issue for the
121 residential subdivision or planned community. This paragraph
122 does not:

123 1. Restrict the governing body from issuing more than 75
124 percent of the building permits for the residential subdivision
125 or planned community.

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

127 (3) A governing body shall create:

128 (a) A two-step application process for the adoption of a
129 preliminary plat, inclusive of any plans, in order to expedite
130 the issuance of building permits under this section. The
131 application must allow an applicant to identify the percentage
132 of planned homes or the number of building permits that the
133 governing body must issue for the residential subdivision or
134 planned community.

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

144 (4) (a) An applicant may use a private provider pursuant to
145 s. 553.791 to expedite the application process for building

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146 permits after a preliminary plat is approved under this section.

147 (b) A governing body shall establish a registry of at least
148 three qualified contractors whom the governing body may use to
149 supplement staff resources in ways determined by the governing
150 body for processing and expediting the review of an application
151 for a preliminary plat or any plans related to such application.
152 A qualified contractor on the registry who is hired pursuant to
153 this section to review an application, or any part thereof, for
154 a preliminary plat, or any part thereof, may not have a conflict
155 of interest with the applicant. For purposes of this paragraph,
156 the term "conflict of interest" has the same meaning as in s.
157 112.312.

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

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

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

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

173 (c) The applicant holds a valid performance bond for up to
174 130 percent of the necessary improvements, as defined in s.

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175 177.031(9), that have not been completed upon submission of the
176 application under this section. For purposes of a master planned
177 community as defined in s. 163.3202(5)(b), a valid performance
178 bond is required on a phase-by-phase basis.

179 (7)(a) An applicant may contract to sell, but may not
180 transfer ownership of, a residential structure or building
181 located in the residential subdivision or planned community
182 until the final plat is approved by the governing body and
183 recorded in the public records by the clerk of the circuit
184 court.

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

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

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

195 (b) The applicant incurs obligations and expenses,
196 commences construction of the residential subdivision or planned
197 community, and is continuing in good faith with the development
198 of the property.

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

203 (10) An applicant must indemnify and hold harmless the

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

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