



206388

LEGISLATIVE ACTION

Senate

House

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Floor: 1d/RE/3R  
04/30/2013 04:50 PM

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Senator Altman moved the following:

1           **Senate Amendment to Amendment (117882) (with title**  
2 **amendment)**

3  
4           Delete lines 5 - 64  
5 and insert:

6           Section 1. Section 125.022, Florida Statutes, is amended to  
7 read:

8           125.022 Development permits.—When a county denies an  
9 application for a development permit, the county shall give  
10 written notice to the applicant. The notice must include a  
11 citation to the applicable portions of an ordinance, rule,  
12 statute, or other legal authority for the denial of the permit.  
13 As used in this section, the term “development permit” has the



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14 same meaning as in s. 163.3164. For any development permit  
15 application filed with the county after July 1, 2012, a county  
16 may not require as a condition of processing or issuing a  
17 development permit that an applicant obtain a permit or approval  
18 from any state or federal agency unless the agency has issued a  
19 final agency action that denies the federal or state permit  
20 before the county action on the local development permit.  
21 Issuance of a development permit by a county does not in any way  
22 create any rights on the part of the applicant to obtain a  
23 permit from a state or federal agency and does not create any  
24 liability on the part of the county for issuance of the permit  
25 if the applicant fails to obtain requisite approvals or fulfill  
26 the obligations imposed by a state or federal agency or  
27 undertakes actions that result in a violation of state or  
28 federal law. A county shall ~~may~~ attach such a disclaimer to the  
29 issuance of a development permit and shall ~~may~~ include a permit  
30 condition that all other applicable state or federal permits be  
31 obtained before commencement of the development. This section  
32 does not prohibit a county from providing information to an  
33 applicant regarding what other state or federal permits may  
34 apply.

35 Section 2. Section 162.12, Florida Statutes, is amended to  
36 read:

37 162.12 Notices.—

38 (1) All notices required by this part must be provided to  
39 the alleged violator by:

40 (a) Certified mail, return receipt requested, to the  
41 address listed in the tax collector's office for tax notices, or  
42 to the address listed in the county property appraiser's



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43 database. The local government may also provide an additional  
44 notice to any other address it may find for ~~provided by the~~  
45 ~~property owner in writing to the local government for the~~  
46 ~~purpose of receiving notices.~~ For property owned by a  
47 corporation, notices may be provided by certified mail to the  
48 registered agent of the corporation. If any notice sent by  
49 certified mail is not signed as received within 30 days after  
50 the postmarked date of mailing, notice may be provided by  
51 posting as described in subparagraphs (2) (b)1. and 2.;

52 (b) Hand delivery by the sheriff or other law enforcement  
53 officer, code inspector, or other person designated by the local  
54 governing body;

55 (c) Leaving the notice at the violator's usual place of  
56 residence with any person residing therein who is above 15 years  
57 of age and informing such person of the contents of the notice;  
58 or

59 (d) In the case of commercial premises, leaving the notice  
60 with the manager or other person in charge.

61 (2) In addition to providing notice as set forth in  
62 subsection (1), at the option of the code enforcement board or  
63 the local government, notice may ~~also~~ be served by publication  
64 or posting, as follows:

65 (a)1. Such notice shall be published once during each week  
66 for 4 consecutive weeks (four publications being sufficient) in  
67 a newspaper of general circulation in the county where the code  
68 enforcement board is located. The newspaper shall meet such  
69 requirements as are prescribed under chapter 50 for legal and  
70 official advertisements.

71 2. Proof of publication shall be made as provided in ss.



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72 50.041 and 50.051.

73 (b)1. In lieu of publication as described in paragraph (a),  
74 such notice may be posted at least 10 days prior to the hearing,  
75 or prior to the expiration of any deadline contained in the  
76 notice, in at least two locations, one of which shall be the  
77 property upon which the violation is alleged to exist and the  
78 other of which shall be, in the case of municipalities, at the  
79 primary municipal government office, and in the case of  
80 counties, at the front door of the courthouse or the main county  
81 governmental center in said county.

82 2. Proof of posting shall be by affidavit of the person  
83 posting the notice, which affidavit shall include a copy of the  
84 notice posted and the date and places of its posting.

85 (c) Notice by publication or posting may run concurrently  
86 with, or may follow, an attempt or attempts to provide notice by  
87 hand delivery or by mail as required under subsection (1).

88  
89 Evidence that an attempt has been made to hand deliver or  
90 mail notice as provided in subsection (1), together with proof  
91 of publication or posting as provided in subsection (2), shall  
92 be sufficient to show that the notice requirements of this part  
93 have been met, without regard to whether or not the alleged  
94 violator actually received such notice.

95 Section 3. Section 166.033, Florida Statutes, is amended to  
96 read:

97 166.033 Development permits.—When a municipality denies an  
98 application for a development permit, the municipality shall  
99 give written notice to the applicant. The notice must include a  
100 citation to the applicable portions of an ordinance, rule,



101 statute, or other legal authority for the denial of the permit.  
102 As used in this section, the term "development permit" has the  
103 same meaning as in s. 163.3164. For any development permit  
104 application filed with the municipality after July 1, 2012, a  
105 municipality may not require as a condition of processing or  
106 issuing a development permit that an applicant obtain a permit  
107 or approval from any state or federal agency unless the agency  
108 has issued a final agency action that denies the federal or  
109 state permit before the municipal action on the local  
110 development permit. Issuance of a development permit by a  
111 municipality does not in any way create any right on the part of  
112 an applicant to obtain a permit from a state or federal agency  
113 and does not create any liability on the part of the  
114 municipality for issuance of the permit if the applicant fails  
115 to obtain requisite approvals or fulfill the obligations imposed  
116 by a state or federal agency or undertakes actions that result  
117 in a violation of state or federal law. A municipality shall ~~may~~  
118 attach such a disclaimer to the issuance of development permits  
119 and shall ~~may~~ include a permit condition that all other  
120 applicable state or federal permits be obtained before  
121 commencement of the development. This section does not prohibit  
122 a municipality from providing information to an applicant  
123 regarding what other state or federal permits may apply.

124  
125 ===== T I T L E A M E N D M E N T =====

126 And the title is amended as follows:

127 Delete lines 1328 - 1329

128 and insert:

129 125.022, F.S.; requiring counties to attach certain



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130       disclaimers and include certain permit conditions when  
131       issuing development permits; amending s. 162.12, F.S.;  
132       revising notice requirements in the Local Government  
133       Code Enforcement Boards Act; amending s. 166.033,  
134       F.S.; requiring municipalities to attach certain  
135       disclaimers and include certain permit conditions when  
136       issuing development permits;