

By Senator Gruters

23-00852A-22

20221248__

1 A bill to be entitled
2 An act relating to local government land development
3 actions; amending ss. 125.022 and 166.033, F.S.;
4 specifying the authority of a county or municipality,
5 respectively, to make additional comments on an
6 application for approval of a development permit or
7 development order; amending s. 163.3202, F.S.;
8 requiring local governments to adopt residential
9 infill development standards by a specified date;
10 requiring that such standards be considered in local
11 decisionmaking; providing legislative intent relating
12 to residential infill developments; defining the term
13 "residential infill development"; specifying
14 guidelines local governments must use in developing
15 residential infill development standards; requiring
16 local governments to adopt regulations to be used by
17 applicants seeking designations of areas as a
18 residential infill development; prohibiting a local
19 government from approving applications with many
20 deficiencies; providing a burden of proof; prohibiting
21 a local government from denying applications under
22 certain circumstances; authorizing an applicant to
23 appeal an application denial to a local government
24 planning commission; providing a requirement for
25 appeal procedures; requiring local governments to
26 amend their development regulations and comprehensive
27 plans to incorporate residential infill developments
28 as a zoning classification and incorporate them as an
29 appropriate land use classification; amending s.

23-00852A-22

20221248__

30 553.792, F.S.; specifying a local government's
31 authority to request additional information or make
32 additional comments on a building permit application;
33 providing an effective date.
34

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

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

39 125.022 Development permits and orders.—

40 (1) (a) Within 30 days after receiving an application for
41 approval of a development permit or development order, a county
42 must review the application for completeness and issue a letter
43 indicating that all required information is submitted or
44 specifying with particularity any areas that are deficient. If
45 the application is deficient, the applicant has 30 days to
46 address the deficiencies by submitting the required additional
47 information.

48 (b) Once the applicant has provided responses concerning
49 the areas that were deficient, the county may only provide
50 additional comments on the deficiencies that are directly
51 related to the deficiencies that were identified during the
52 first review period or that directly address the responses given
53 by the applicant. The county may also make additional comments
54 as a result of new information submitted by the applicant.

55 (c) Within 120 days after the county has deemed the
56 application complete, or 180 days for applications that require
57 final action through a quasi-judicial hearing or a public
58 hearing, the county must approve, approve with conditions, or

23-00852A-22

20221248__

59 deny the application for a development permit or development
60 order. Both parties may agree to a reasonable request for an
61 extension of time, particularly in the event of a force majeure
62 or other extraordinary circumstance. An approval, approval with
63 conditions, or denial of the application for a development
64 permit or development order must include written findings
65 supporting the county's decision. The timeframes contained in
66 this subsection do not apply in an area of critical state
67 concern, as designated in s. 380.0552.

68 Section 2. Subsection (1) of section 166.033, Florida
69 Statutes, is amended to read:

70 166.033 Development permits and orders.—

71 (1) (a) Within 30 days after receiving an application for
72 approval of a development permit or development order, a
73 municipality must review the application for completeness and
74 issue a letter indicating that all required information is
75 submitted or specifying with particularity any areas that are
76 deficient. If the application is deficient, the applicant has 30
77 days to address the deficiencies by submitting the required
78 additional information.

79 (b) Once the applicant has provided responses concerning
80 the areas that were deficient, the municipality may only provide
81 additional comments on the deficiencies that are directly
82 related to the deficiencies that were identified during the
83 first review period or that directly address the responses given
84 by the applicant. The municipality may also make additional
85 comments as a result of new information submitted by the
86 applicant.

87 (c) Within 120 days after the municipality has deemed the

23-00852A-22

20221248__

88 application complete, or 180 days for applications that require
89 final action through a quasi-judicial hearing or a public
90 hearing, the municipality must approve, approve with conditions,
91 or deny the application for a development permit or development
92 order. Both parties may agree to a reasonable request for an
93 extension of time, particularly in the event of a force majeure
94 or other extraordinary circumstance. An approval, approval with
95 conditions, or denial of the application for a development
96 permit or development order must include written findings
97 supporting the municipality's decision. The timeframes contained
98 in this subsection do not apply in an area of critical state
99 concern, as designated in s. 380.0552 or chapter 28-36, Florida
100 Administrative Code.

101 Section 3. Subsection (7) is added to section 163.3202,
102 Florida Statutes, to read:

103 163.3202 Land development regulations.—

104 (7) Each local government must adopt residential infill
105 development standards in its land use regulations by October 1,
106 2022, to ensure a uniform process for new development. The
107 residential infill development standards must be considered in
108 local decisionmaking.

109 (a) A residential infill development is an important
110 component and useful mechanism for a local government to promote
111 redevelopment and revitalization. A residential infill
112 development is not intended to promote the premature subdivision
113 of land which exceeds the average densities of the immediate
114 vicinity and produces excessively smaller lots than those found
115 on surrounding parcels, but should consider the current land
116 development patterns within the immediate vicinity. Residential

23-00852A-22

20221248__

117 infill developments are intended to aid in the revitalization of
118 existing communities by encouraging consistent and compatible
119 redevelopment and to promote reinvestment in established
120 neighborhoods and cure blighted parcels. For purposes of this
121 subsection, a "residential infill development" is an area
122 consisting of a development or subdivision of land designated as
123 such by a local government wherein the dimensional requirements
124 of the land use district are relaxed and the local government
125 review process is expedited.

126 (b) Local governments must use the following guidelines in
127 developing the residential infill development standards:

128 1. The size of the land development or subdivision may be
129 below the minimum dimensional requirements of the land use
130 category in which it is located.

131 2. A residential infill development may not exceed the
132 maximum allowable density established by the local government's
133 comprehensive plan.

134 3. A residential infill development area must be located in
135 an area with a defined development pattern.

136 4. A residential infill development area must be located
137 within one or more residential suburban or residential low land
138 use districts.

139 5. A residential infill development area must be located in
140 an area with sufficient services to avoid future public service
141 deficiencies. A local government, in reviewing an application
142 for a residential infill development, shall consider the
143 availability of schools, public water, public sewer, road
144 capacities, law enforcement protection, fire protection,
145 emergency medical service, and reasonable proximity to public

23-00852A-22

20221248__

146 parks.

147 6. A residential infill development may be allowed on a
148 parcel that is adjacent to similar development.

149 7. Lots within a residential infill development must be at
150 least as large as the average lot size in the immediate
151 vicinity.

152 8. Building setbacks may be greater than or equal to the
153 average building setback found on abutting parcels. Building
154 setbacks may also be consistent with the dimensional
155 requirements of the land use district as specified in the local
156 government's land development code.

157 9. If a residential infill development abuts a roadway
158 stub-out, the new roadways built must connect to the roadway
159 stub-out.

160 10. Stormwater retention facilities within a residential
161 infill development may not be constructed to degrade or
162 adversely affect the existing character of the immediate
163 vicinity.

164 11. A residential infill development may not be larger than
165 120 acres. Developments may not be phased or incrementally
166 expanded with the intent to circumvent this acreage limit.

167 12. Building types within the residential infill
168 development may include only types that exist on any parcel in
169 the immediate vicinity, but may not include mobile homes.

170 (c) Each local government must adopt guidelines to be used
171 by applicants seeking designations as residential infill
172 developments. The regulations must provide procedures for the
173 review of applications. The regulations must require that the
174 applicant:

23-00852A-22

20221248__

175 1. Consider whether the residential infill development
176 recognizes the surrounding pattern of development and whether
177 the residential infill development is contrary to the density
178 and dimensional requirements of land tracts that abut the
179 development.

180 2. Consider the surrounding pattern of development,
181 including existing road layout, densities, lot sizes, and
182 setbacks of parcels and developments that abut the subject site.

183 3. Check the appropriate statements regarding the provision
184 of potable water, sewer, public parks, public schools, traffic
185 capacity, and public roadways, using a checklist similar to the
186 following:

187

188 The residential infill development connects to
189 central water and sewer.

190 Law enforcement does not object to the
191 residential infill development.

192 The residential infill development is within the
193 average response time of the local government fire and
194 emergency medical services.

195 At least one park or playground is located within
196 2 miles of the residential infill development.

197 The schools are operating at adequate capacity
198 for the residential infill development or concurrency
199 provisions have been made to ensure adequate capacity.

200 The roads within the residential infill
201 development will be constructed to follow the existing
202 roadway network found in the immediate vicinity. New
203 roads will be required to connect to stub-outs that

23-00852A-22

20221248__

204 were originally constructed to connect new development
205 with existing developments.

206 The sidewalks within the residential infill
207 development will be installed along one side of
208 collector and arterial roads when existing sidewalk
209 infrastructure is located within 100 feet of the
210 development.

211 Minimum lot sizes will be determined by the
212 average lot size of parcels in the immediate vicinity
213 or at least 5,500 square feet, whichever is greater.

214 Infill development will be determined either by
215 the dimensional requirements established for the land
216 use district in which the site is located or by the
217 average setback and height of existing structures on
218 parcels in the immediate vicinity.

219
220 (d)1. A local government may not approve an application for
221 designation as a residential infill development if it contains
222 many deficiencies. Where deficiencies exist, the applicant bears
223 the burden to prove the benefits of the residential infill
224 development outweigh the deficiencies in services.

225 2. A local government may not deny an applicant's request
226 for designation as a residential infill development if the
227 applicant has complied with the general intent and development
228 standards of this subsection.

229 (e) An applicant may appeal a denial of an application to a
230 local government planning commission. Appeals to a local
231 government planning commission shall follow a local government
232 planning commission's rules and regulations.

23-00852A-22

20221248__

233 (f) Each local government must amend its development
234 regulations to include residential infill development as a
235 zoning classification and must incorporate it as an appropriate
236 land use classification under the local government comprehensive
237 plan.

238 Section 4. Paragraph (a) of subsection (1) of section
239 553.792, Florida Statutes, is amended, and paragraph (c) is
240 added to subsection (2) of that section, to read:

241 553.792 Building permit application to local government.—

242 (1) (a) Within 10 days after ~~of~~ an applicant submits
243 ~~submitting~~ an application to the local government, the local
244 government shall advise the applicant what information, if any,
245 is needed to deem the application properly completed in
246 compliance with the filing requirements published by the local
247 government. If the local government does not provide written
248 notice that the applicant has not submitted the properly
249 completed application, the application shall be automatically
250 deemed properly completed and accepted. Within 45 days after
251 receiving a completed application, a local government must
252 notify an applicant if additional information is required for
253 the local government to determine the sufficiency of the
254 application, and shall specify the additional information that
255 is required. However, the local government may only request more
256 information on the additional information provided to the local
257 government by the applicant and may not make new comments on the
258 original application. The applicant must submit the additional
259 information to the local government or request that the local
260 government act without the additional information. While the
261 applicant responds to the request for additional information,

23-00852A-22

20221248__

262 the 120-day period described in this subsection is tolled. Both
263 parties may agree to a reasonable request for an extension of
264 time, particularly in the event of a force majeure or other
265 extraordinary circumstance. The local government must approve,
266 approve with conditions, or deny the application within 120 days
267 after ~~following~~ receipt of a completed application.

268 (2)

269 (c) Notwithstanding any local ordinance that may otherwise
270 apply to the contrary, if an applicant provides additional
271 information based on deficiencies identified by the local
272 government in the application, the local government may only
273 provide additional comments that are directly related to the
274 deficiencies that were identified during the first review period
275 or that directly address the responses given by the applicant.
276 The local government may also make additional comments as a
277 result of new information submitted by the applicant.

278 Section 5. This act shall take effect July 1, 2022.