

1 A bill to be entitled
2 An act relating to residential building permits;
3 amending s. 553.79, F.S.; removing provisions relating
4 to acquiring building permits for certain residential
5 dwellings; amending s. 553.791, F.S.; requiring a
6 local jurisdiction to reduce permit fees by a certain
7 percentage under certain circumstances; amending s.
8 553.792, F.S.; revising the timeframes for approving
9 or denying certain building permits; revising how many
10 times a local government may request additional
11 information from an applicant; specifying when a
12 permit application is deemed complete and sufficient;
13 requiring the opportunity for an in-person or virtual
14 meeting before a second request for additional
15 information may be made; reducing permit fees by a
16 certain percentage if certain timeframes are not met;
17 authorizing both parties to extend certain timeframes
18 under certain circumstances; specifying that the
19 permit requirements apply to single-family residential
20 units and single-family residential dwellings;
21 requiring that local governments follow the prescribed
22 timeframes unless the local ordinance is more
23 stringent; conforming provisions to changes made by
24 the act; amending s. 440.103, F.S.; conforming a
25 cross-reference; providing an effective date.

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

Section 1. Subsection (16) of section 553.79, Florida Statutes, is amended to read:

553.79 Permits; applications; issuance; inspections.—

~~(16) Except as provided in paragraph (c), a building permit for a single-family residential dwelling must be issued within 30 business days after receiving the permit application unless the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances.~~

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

~~(b) A local enforcement agency does not have to reduce the building permit fee if it provides written notice to the applicant, by e-mail or United States Postal Service, within 30 business days after receiving the permit application, that specifically states the reasons the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances. The written notice must also state that the~~

51 ~~applicant has 10 business days after receiving the written~~
52 ~~notice to submit revisions to correct the permit application and~~
53 ~~that failure to correct the application within 10 business days~~
54 ~~will result in a denial of the application.~~

55 ~~(c) The applicant has 10 business days after receiving the~~
56 ~~written notice to address the reasons specified by the local~~
57 ~~enforcement agency and submit revisions to correct the permit~~
58 ~~application. If the applicant submits revisions within 10~~
59 ~~business days after receiving the written notice, the local~~
60 ~~enforcement agency has 10 business days after receiving such~~
61 ~~revisions to approve or deny the building permit unless the~~
62 ~~applicant agrees to a longer period in writing. If the local~~
63 ~~enforcement agency fails to issue or deny the building permit~~
64 ~~within 10 business days after receiving the revisions, it must~~
65 ~~reduce the building permit fee by 20 percent for the first~~
66 ~~business day that it fails to meet the deadline unless the~~
67 ~~applicant agrees to a longer period in writing. For each~~
68 ~~additional business day, but not to exceed 5 business days, that~~
69 ~~the local enforcement agency fails to meet the deadline, the~~
70 ~~building permit fee must be reduced by an additional 10 percent.~~
71 ~~Each reduction shall be based on the original amount of the~~
72 ~~building permit fee.~~

73 ~~(d) If any building permit fees are refunded under this~~
74 ~~subsection, the surcharges provided in s. 468.631 or s. 553.721~~
75 ~~must be recalculated based on the amount of the building permit~~

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76 | ~~fees after the refund.~~

77 | ~~(c) A building permit for a single-family residential~~
78 | ~~dwelling applied for by a contractor licensed in this state on~~
79 | ~~behalf of a property owner who participates in a Community~~
80 | ~~Development Block Grant-Disaster Recovery program administered~~
81 | ~~by the Department of Economic Opportunity must be issued within~~
82 | ~~15 working days after receipt of the application unless the~~
83 | ~~permit application fails to satisfy the Florida Building Code or~~
84 | ~~the enforcing agency's laws or ordinances.~~

85 | Section 2. Paragraph (b) of subsection (2) of section
86 | 553.791, Florida Statutes, is amended to read:

87 | 553.791 Alternative plans review and inspection.—

88 | (2)

89 | (b) If an owner or contractor retains a private provider
90 | for purposes of plans review or building inspection services,
91 | the local jurisdiction must reduce the permit fee by 75 percent
92 | ~~the amount of cost savings realized by the local enforcement~~
93 | ~~agency for not having to perform such services. Such reduction~~
94 | ~~may be calculated on a flat fee or percentage basis, or any~~
95 | ~~other reasonable means by which a local enforcement agency~~
96 | ~~assesses the cost for its plans review or inspection services.~~
97 | The local jurisdiction may not charge fees for building
98 | inspections if the fee owner or contractor hires a private
99 | provider to perform such services; however, the local
100 | jurisdiction may charge a reasonable administrative fee, which

101 must ~~shall~~ be based on the cost that is actually incurred,
 102 including the labor cost of the personnel providing the service,
 103 by the local jurisdiction or attributable to the local
 104 jurisdiction for the clerical and supervisory assistance
 105 required, or both.

106 Section 3. Subsections (1) and (2) of section 553.792,
 107 Florida Statutes, are amended to read:

108 553.792 Building permit application to local government.—

109 (1) (a) After ~~Within 10 days of~~ an applicant submits
 110 ~~submitting~~ an application to the local government, the local
 111 government must provide written notice to the applicant within 3
 112 calendar days after receipt of the application advising ~~shall~~
 113 ~~advise~~ the applicant what information, if any, is needed to deem
 114 the application properly completed in compliance with the filing
 115 requirements published by the local government. If the local
 116 government does not provide timely written notice that the
 117 applicant has not submitted a ~~the~~ properly completed
 118 application, the application is ~~shall be~~ automatically deemed
 119 properly completed and sufficient ~~accepted~~.

120 (b) Within 9 calendar ~~45~~ days after receiving a completed
 121 application, a local government must provide written notice to
 122 ~~notify~~ an applicant if additional information is required for
 123 the local government to determine the sufficiency of the
 124 application, and the notice must ~~shall~~ specify the additional
 125 information that is required. The applicant may ~~must~~ submit the

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126 additional information to the local government or request that
127 the local government act without the additional information.
128 ~~While the applicant responds to the request for additional~~
129 ~~information, the 120-day period described in this subsection is~~
130 ~~tolled. Both parties may agree to a reasonable request for an~~
131 ~~extension of time, particularly in the event of a force majeure~~
132 ~~or other extraordinary circumstance. The local government must~~
133 ~~approve, approve with conditions, or deny the application within~~
134 ~~120 days following receipt of a completed application.~~

135 (c)1. ~~(b)1.~~ When reviewing an application for a building
136 permit, a local government may not request additional
137 information from the applicant more than two ~~three~~ times, unless
138 the applicant waives such limitation in writing.

139 2. If a local government requests additional information
140 from an applicant and the applicant submits the requested
141 additional information to the local government ~~within 30 days~~
142 ~~after receiving the request~~, the local government must, within 9
143 calendar ~~15~~ days after receiving such information:

- 144 a. Determine if the application is properly completed;
145 b. Approve the application;
146 c. Approve the application with conditions;
147 ~~d. Deny the application; or~~
148 d.e. Advise the applicant in writing of information, if
149 any, that is needed to ~~deem the application properly completed~~
150 ~~or to~~ determine the sufficiency of the application.

151 ~~3. If a local government makes a second request for~~
152 ~~additional information from the applicant and the applicant~~
153 ~~submits the requested additional information to the local~~
154 ~~government within 30 days after receiving the request, the local~~
155 ~~government must, within 10 days after receiving such~~
156 ~~information:~~

- 157 ~~a. Determine if the application is properly completed;~~
158 ~~b. Approve the application;~~
159 ~~c. Approve the application with conditions;~~
160 ~~d. Deny the application; or~~
161 ~~e. Advise the applicant of information, if any, that is~~
162 ~~needed to deem the application properly completed or to~~
163 ~~determine the sufficiency of the application.~~

164 ~~3.4.~~ Before a second ~~third~~ request for additional
165 information may be made, the local government must offer the
166 applicant ~~must be offered~~ an opportunity to meet in person or
167 virtually with the local government to attempt to resolve
168 outstanding issues. The meeting must occur within 5 calendar
169 days after the applicant notifies the local government in
170 writing that he or she wants an in-person or virtual meeting
171 unless the applicant agrees to a longer time period in writing.

172 4. If a local government makes a second ~~third~~ request for
173 additional information from the applicant and the applicant
174 submits the requested additional information to the local
175 government ~~within 30 days after receiving the request,~~ the local

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176 government must, within 9 calendar ~~10~~ days after receiving such
177 information unless the applicant waived the local government's
178 time limitation in writing, determine that the application is
179 complete and:

- 180 a. Approve the application;
181 b. Approve the application with conditions; or
182 c. Deny the application and provide the applicant with
183 sufficient reason for such denial.

184 5. If the applicant believes the request for additional
185 information is not authorized by ordinance, rule, statute, or
186 other legal authority, the local government, at the applicant's
187 written request, must process the application within 9 calendar
188 days after receipt of the request and ~~either~~ approve the
189 application, approve the application with conditions, or deny
190 the application and provide the applicant with sufficient reason
191 for such denial.

192 6. If a local government does not notify the applicant
193 that the application is approved, approved with conditions, or
194 denied within 9 calendar days after the local government
195 receives the additional information requested under subparagraph
196 4., the application is deemed approved.

197 (d) The following timeframes apply for single-family or
198 two-family dwellings or townhomes located within a master plan
199 community for which the permit for the master plan community has
200 already been approved under s. 553.794:

201 1. After an applicant submits an application to the local
202 government, the local government must provide written notice to
203 the applicant within 1 calendar day after receipt of the
204 application advising the applicant what information, if any, is
205 needed to deem the application properly completed in compliance
206 with the filing requirements published by the local government.
207 If the local government does not provide timely written notice
208 that the applicant has not submitted a properly completed
209 application, the application is automatically deemed properly
210 completed and approved.

211 2. Within 5 calendar days after receiving a completed
212 application, a local government must provide written notice to
213 an applicant if additional information is required for the local
214 government to determine the sufficiency of the application, and
215 the notice must specify the additional information that is
216 required. The applicant may submit the additional information to
217 the local government or request that the local government act
218 without the additional information.

219 3. When reviewing an application under this paragraph, a
220 local government may not request additional information from the
221 applicant more than once, unless the applicant waives such
222 limitation in writing.

223 4. If a local government requests additional information
224 from the applicant and the applicant submits the requested
225 additional information to the local government, the local

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226 government must, within 5 calendar days after receiving such
227 information unless the applicant waived the local government's
228 time limitation in writing, determine that the application is
229 complete and:

230 a. Approve the application;

231 b. Approve the application with conditions; or

232 c. Deny the application and provide the applicant with
233 sufficient reason for such denial.

234 5. If a local government does not notify the applicant
235 that the application is approved, approved with conditions, or
236 denied within 5 calendar days after the local government
237 receives the additional information requested under subparagraph
238 4., the application is deemed approved.

239 6. If an owner or contractor retains a private provider
240 for purposes of plans review, the timeframes in subparagraphs
241 2., 4., and 5. are reduced to 3 calendar days.

242 (e) A building permit for a single-family residential
243 dwelling applied for by a contractor licensed in this state on
244 behalf of a property owner who participates in a Community
245 Development Block Grant-Disaster Recovery program administered
246 by the Department of Economic Opportunity must be issued within
247 9 calendar days after receipt of the application unless the
248 permit application fails to satisfy the Florida Building Code or
249 the enforcing agency's laws or ordinances.

250 (f)-(e) If a local government fails to meet a deadline set

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251 under this subsection ~~provided in paragraphs (a) and (b)~~, it
252 must reduce the building permit fee by 10 percent for each
253 calendar business day that it fails to meet the deadline, unless
254 the parties agree in writing to a reasonable extension of time.
255 Each 10-percent reduction shall be based on the original amount
256 of the building permit fee, unless the parties agree to an
257 extension of time.

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

273 (b) ~~If~~ A local government must meet ~~has different~~
274 ~~timeframes than~~ the timeframes set forth in subsection (1) for
275 reviewing building permit applications described in paragraph

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276 (a) unless the timeframes set, ~~the local government must meet~~
277 ~~the deadlines established~~ by local ordinance are more stringent
278 than those prescribed in subsection (1). ~~If a local government~~
279 ~~does not meet an established deadline to approve, approve with~~
280 ~~conditions, or deny an application, it must reduce the building~~
281 ~~permit fee by 10 percent for each business day that it fails to~~
282 ~~meet the deadline. Each 10-percent reduction shall be based on~~
283 ~~the original amount of the building permit fee, unless the~~
284 ~~parties agree to an extension of time. This paragraph does not~~
285 ~~apply to permits for any wireless communications facilities.~~

286 Section 4. Section 440.103, Florida Statutes, is amended
287 to read:

288 440.103 Building permits; identification of minimum
289 premium policy.—Every employer shall, as a condition to applying
290 for and receiving a building permit, show proof and certify to
291 the permit issuer that it has secured compensation for its
292 employees under this chapter as provided in ss. 440.10 and
293 440.38. Such proof of compensation must be evidenced by a
294 certificate of coverage issued by the carrier, a valid exemption
295 certificate approved by the department, or a copy of the
296 employer's authority to self-insure and shall be presented,
297 electronically or physically, each time the employer applies for
298 a building permit. As provided in s. 553.79(22) ~~s. 553.79(23)~~,
299 for the purpose of inspection and record retention, site plans
300 or building permits may be maintained at the worksite in the

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301 original form or in the form of an electronic copy. These plans
302 and permits must be open to inspection by the building official
303 or a duly authorized representative, as required by the Florida
304 Building Code. As provided in s. 627.413(5), each certificate of
305 coverage must show, on its face, whether or not coverage is
306 secured under the minimum premium provisions of rules adopted by
307 rating organizations licensed pursuant to s. 627.221. The words
308 "minimum premium policy" or equivalent language shall be typed,
309 printed, stamped, or legibly handwritten.

310 Section 5. This act shall take effect July 1, 2023.