

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; requiring a local government to issue a  
25 certain percentage of building permits for a

26 residential community if certain conditions are met;  
 27 creating s. 553.845, F.S.; providing legislative  
 28 findings; providing definitions; providing specified  
 29 maximum voluntary freeboard requirements for new  
 30 residential construction and substantial improvements  
 31 to existing residential construction; prohibiting  
 32 voluntary freeboard from being used in the calculation  
 33 of the maximum allowable height for certain  
 34 structures; authorizing local governments to adopt by  
 35 ordinance a maximum voluntary freeboard that exceeds  
 36 certain requirements; amending s. 440.103, F.S.;  
 37 conforming a cross-reference; providing an effective  
 38 date.

39  
 40 Be It Enacted by the Legislature of the State of Florida:

41  
 42 Section 1. Subsection (16) of section 553.79, Florida  
 43 Statutes, is amended to read:

44 553.79 Permits; applications; issuance; inspections.—

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

50 ~~(a) If a local enforcement agency fails to issue a~~

51 ~~building permit for a single-family residential dwelling within~~  
52 ~~30 business days after receiving the permit application, it must~~  
53 ~~reduce the building permit fee by 10 percent for each business~~  
54 ~~day that it fails to meet the deadline. Each 10-percent~~  
55 ~~reduction shall be based on the original amount of the building~~  
56 ~~permit fee.~~

57 ~~(b) A local enforcement agency does not have to reduce the~~  
58 ~~building permit fee if it provides written notice to the~~  
59 ~~applicant, by e-mail or United States Postal Service, within 30~~  
60 ~~business days after receiving the permit application, that~~  
61 ~~specifically states the reasons the permit application fails to~~  
62 ~~satisfy the Florida Building Code or the enforcing agency's laws~~  
63 ~~or ordinances. The written notice must also state that the~~  
64 ~~applicant has 10 business days after receiving the written~~  
65 ~~notice to submit revisions to correct the permit application and~~  
66 ~~that failure to correct the application within 10 business days~~  
67 ~~will result in a denial of the application.~~

68 ~~(c) The applicant has 10 business days after receiving the~~  
69 ~~written notice to address the reasons specified by the local~~  
70 ~~enforcement agency and submit revisions to correct the permit~~  
71 ~~application. If the applicant submits revisions within 10~~  
72 ~~business days after receiving the written notice, the local~~  
73 ~~enforcement agency has 10 business days after receiving such~~  
74 ~~revisions to approve or deny the building permit unless the~~  
75 ~~applicant agrees to a longer period in writing. If the local~~

76 ~~enforcement agency fails to issue or deny the building permit~~  
77 ~~within 10 business days after receiving the revisions, it must~~  
78 ~~reduce the building permit fee by 20 percent for the first~~  
79 ~~business day that it fails to meet the deadline unless the~~  
80 ~~applicant agrees to a longer period in writing. For each~~  
81 ~~additional business day, but not to exceed 5 business days, that~~  
82 ~~the local enforcement agency fails to meet the deadline, the~~  
83 ~~building permit fee must be reduced by an additional 10 percent.~~  
84 ~~Each reduction shall be based on the original amount of the~~  
85 ~~building permit fee.~~

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

90 ~~(e) A building permit for a single-family residential~~  
91 ~~dwelling applied for by a contractor licensed in this state on~~  
92 ~~behalf of a property owner who participates in a Community~~  
93 ~~Development Block Grant-Disaster Recovery program administered~~  
94 ~~by the Department of Economic Opportunity must be issued within~~  
95 ~~15 working days after receipt of the application unless the~~  
96 ~~permit application fails to satisfy the Florida Building Code or~~  
97 ~~the enforcing agency's laws or ordinances.~~

98 Section 2. Paragraph (b) of subsection (2) of section  
99 553.791, Florida Statutes, is amended to read:

100 553.791 Alternative plans review and inspection.—

101 (2)

102 (b) If an owner or contractor retains a private provider

103 for purposes of plans review or building inspection services,

104 the local jurisdiction must reduce the permit fee by 75 percent

105 ~~the amount of cost savings realized by the local enforcement~~

106 ~~agency~~ for not having to perform such services. ~~Such reduction~~

107 ~~may be calculated on a flat fee or percentage basis, or any~~

108 ~~other reasonable means by which a local enforcement agency~~

109 ~~assesses the cost for its plans review or inspection services.~~

110 The local jurisdiction may not charge fees for building

111 inspections if the fee owner or contractor hires a private

112 provider to perform such services; however, the local

113 jurisdiction may charge a reasonable administrative fee, which

114 must ~~shall~~ be based on the cost that is actually incurred,

115 including the labor cost of the personnel providing the service,

116 by the local jurisdiction or attributable to the local

117 jurisdiction for the clerical and supervisory assistance

118 required, or both.

119 Section 3. Subsections (1) and (2) of section 553.792,

120 Florida Statutes, are amended, and subsection (4) is added to

121 that section, to read:

122 553.792 Building permit application to local government.—

123 (1) (a) After ~~Within 10 days of~~ an applicant submits

124 ~~submitting~~ an application to the local government, the local

125 government must provide written notice to the applicant within 3

126 calendar days after receipt of the application advising ~~shall~~  
127 ~~advise~~ the applicant what information, if any, is needed to deem  
128 the application properly completed in compliance with the filing  
129 requirements published by the local government. If the local  
130 government does not provide timely written notice that the  
131 applicant has not submitted a ~~the~~ properly completed  
132 application, the application is ~~shall be~~ automatically deemed  
133 properly completed and sufficient ~~accepted~~.

134 (b) Within 9 ~~calendar~~ 45 days after receiving a completed  
135 application, a local government must provide written notice to  
136 ~~notify~~ an applicant if additional information is required for  
137 the local government to determine the sufficiency of the  
138 application, and the notice must ~~shall~~ specify the additional  
139 information that is required. The applicant may ~~must~~ submit the  
140 additional information to the local government or request that  
141 the local government act without the additional information.  
142 ~~While the applicant responds to the request for additional~~  
143 ~~information, the 120-day period described in this subsection is~~  
144 ~~tolled. Both parties may agree to a reasonable request for an~~  
145 ~~extension of time, particularly in the event of a force majeure~~  
146 ~~or other extraordinary circumstance. The local government must~~  
147 ~~approve, approve with conditions, or deny the application within~~  
148 ~~120 days following receipt of a completed application.~~

149 (c)1. ~~(b)1.~~ When reviewing an application for a building  
150 permit, a local government may not request additional

151 information from the applicant more than ~~two~~ three times, unless  
 152 the applicant waives such limitation in writing.

153 2. If a local government requests additional information  
 154 from an applicant and the applicant submits the requested  
 155 additional information to the local government ~~within 30 days~~  
 156 ~~after receiving the request~~, the local government must, within 9  
 157 calendar ~~15~~ days after receiving such information:

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

165 ~~3. If a local government makes a second request for~~  
 166 ~~additional information from the applicant and the applicant~~  
 167 ~~submits the requested additional information to the local~~  
 168 ~~government within 30 days after receiving the request, the local~~  
 169 ~~government must, within 10 days after receiving such~~  
 170 ~~information:~~

- 171 ~~a. Determine if the application is properly completed;~~
- 172 ~~b. Approve the application;~~
- 173 ~~c. Approve the application with conditions;~~
- 174 ~~d. Deny the application; or~~
- 175 ~~e. Advise the applicant of information, if any, that is~~

176 ~~needed to deem the application properly completed or to~~  
177 ~~determine the sufficiency of the application.~~

178 3.4. Before a second ~~third~~ request for additional  
179 information may be made, the local government must offer the  
180 applicant ~~must be offered~~ an opportunity to meet in person or  
181 virtually with the local government to attempt to resolve  
182 outstanding issues. The meeting must occur within 5 calendar  
183 days after the applicant notifies the local government in  
184 writing that he or she wants an in-person or virtual meeting  
185 unless the applicant agrees to a longer time period in writing.

186 4. If a local government makes a second ~~third~~ request for  
187 additional information from the applicant and the applicant  
188 submits the requested additional information to the local  
189 government ~~within 30 days after receiving the request~~, the local  
190 government must, within 9 calendar ~~10~~ days after receiving such  
191 information unless the applicant waived the local government's  
192 time limitation in writing, determine that the application is  
193 complete and:

- 194 a. Approve the application;  
195 b. Approve the application with conditions; or  
196 c. Deny the application and provide the applicant with  
197 sufficient reason for such denial.

198 5. If the applicant believes the request for additional  
199 information is not authorized by ordinance, rule, statute, or  
200 other legal authority, the local government, at the applicant's



201 written request, must process the application within 9 calendar  
202 days after receipt of the request and either approve the  
203 application, approve the application with conditions, or deny  
204 the application and provide the applicant with sufficient reason  
205 for such denial.

206 6. If a local government does not notify the applicant  
207 that the application is approved, approved with conditions, or  
208 denied within 9 calendar days after the local government  
209 receives the additional information requested under subparagraph  
210 4., the application is deemed approved.

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

215 1. After an applicant submits an application to the local  
216 government, the local government must provide written notice to  
217 the applicant within 1 calendar day after receipt of the  
218 application advising the applicant what information, if any, is  
219 needed to deem the application properly completed in compliance  
220 with the filing requirements published by the local government.  
221 If the local government does not provide timely written notice  
222 that the applicant has not submitted a properly completed  
223 application, the application is automatically deemed properly  
224 completed and approved.

225 2. Within 5 calendar days after receiving a completed

226 application, a local government must provide written notice to  
227 an applicant if additional information is required for the local  
228 government to determine the sufficiency of the application, and  
229 the notice must specify the additional information that is  
230 required. The applicant may submit the additional information to  
231 the local government or request that the local government act  
232 without the additional information.

233 3. When reviewing an application under this paragraph, a  
234 local government may not request additional information from the  
235 applicant more than once, unless the applicant waives such  
236 limitation in writing.

237 4. If a local government requests additional information  
238 from the applicant and the applicant submits the requested  
239 additional information to the local government, the local  
240 government must, within 5 calendar days after receiving such  
241 information unless the applicant waived the local government's  
242 time limitation in writing, determine that the application is  
243 complete and:

244 a. Approve the application;  
245 b. Approve the application with conditions; or  
246 c. Deny the application and provide the applicant with  
247 sufficient reason for such denial.

248 5. If a local government does not notify the applicant  
249 that the application is approved, approved with conditions, or  
250 denied within 5 calendar days after the local government

251 receives the additional information requested under subparagraph  
 252 4., the application is deemed approved.

253 6. If an owner or contractor retains a private provider  
 254 for purposes of plans review, the timeframes in subparagraphs  
 255 2., 4., and 5. are reduced to 3 calendar days.

256 (e) A building permit for a single-family residential  
 257 dwelling applied for by a contractor licensed in this state on  
 258 behalf of a property owner who participates in a Community  
 259 Development Block Grant-Disaster Recovery program administered  
 260 by the Department of Economic Opportunity must be issued within  
 261 9 calendar days after receipt of the application unless the  
 262 permit application fails to satisfy the Florida Building Code or  
 263 the enforcing agency's laws or ordinances.

264 (f)~~(e)~~ If a local government fails to meet a deadline set  
 265 under this subsection ~~provided in paragraphs (a) and (b)~~, it  
 266 must reduce the building permit fee by 10 percent for each  
 267 calendar ~~business~~ day that it fails to meet the deadline, unless  
 268 the parties agree in writing to a reasonable extension of time.  
 269 Each 10-percent reduction shall be based on the original amount  
 270 of the building permit fee, unless the parties agree to an  
 271 extension of time.

272 (2)(a) The procedures set forth in subsection (1) apply to  
 273 the following building permit applications: accessory structure;  
 274 alarm permit; nonresidential buildings less than 25,000 square  
 275 feet; electric; irrigation permit; landscaping; mechanical;

276 plumbing; residential units including other than a single-family  
277 residential single-family unit or a single-family residential  
278 dwelling; multifamily residential not exceeding 50 units;  
279 roofing; signs; site-plan approvals and subdivision plats not  
280 requiring public hearings or public notice; and lot grading and  
281 site alteration associated with the permit application set forth  
282 in this subsection. The procedures set forth in subsection (1)  
283 do not apply to permits for any wireless communications  
284 facilities ~~or when a law, agency rule, or local ordinance~~  
285 ~~specify different timeframes for review of local building permit~~  
286 ~~applications.~~

287 (b) ~~If A local government must meet has different~~  
288 ~~timeframes than~~ the timeframes set forth in subsection (1) for  
289 reviewing building permit applications described in paragraph  
290 (a) unless the timeframes set, the local government must meet  
291 the deadlines established by local ordinance are more stringent  
292 than those prescribed in subsection (1). ~~If a local government~~  
293 ~~does not meet an established deadline to approve, approve with~~  
294 ~~conditions, or deny an application, it must reduce the building~~  
295 ~~permit fee by 10 percent for each business day that it fails to~~  
296 ~~meet the deadline. Each 10-percent reduction shall be based on~~  
297 ~~the original amount of the building permit fee, unless the~~  
298 ~~parties agree to an extension of time. This paragraph does not~~  
299 ~~apply to permits for any wireless communications facilities.~~

300 (4) (a) Upon a request by an applicant, the local

301 government must issue at least 50 percent of the building  
302 permits for the residential dwellings that are to be built in  
303 the applicant's residential community, but not occupied, if the  
304 developer or owner meets all of the following conditions:

305 1. The project has an approved temporary plat or a  
306 preliminary plat approval that includes civil engineering plans  
307 approved by the local governing body.

308 2. The applicant or developer provides to the local  
309 government a copy of the approved temporary plat or preliminary  
310 plat approval including the approved civil engineering plans for  
311 the electric, water, and wastewater utilities.

312 3. The applicant or developer provides to the local  
313 government a performance bond or other form of guarantee for the  
314 satisfaction or completion of the contract for the necessary  
315 utilities, roads, and stormwater improvements that have not been  
316 completed by the time of issuance of the first building permit.

317 4. The application for the building permit meets the  
318 requirements in the Florida Building Code.

319 (b) The applicant may not transfer ownership of a  
320 residential dwelling until a final plat is approved and recorded  
321 in the public records of the local government.

322 Section 4. Section 553.845, Florida Statutes, is created  
323 to read:

324 553.845 Flood damage prevention.—

325 (1) The Legislature finds that:

326 (a) The state is vulnerable to the adverse effects of  
327 flooding resulting from the frequency and intensity of rainfall  
328 and an increase in storm surge and sea level rise. These adverse  
329 effects pose a significant risk to existing and future  
330 residential structures in the state.

331 (b) Public and private investments in our communities are  
332 important for economic growth, and protecting residential  
333 structures from flooding is essential to maintaining resilient  
334 communities.

335 (c) The mitigation of property damage constitutes a valid  
336 and recognized objective of the Florida Building Code.

337 (d) It is important to develop a consistent, statewide  
338 approach to minimizing flooding in the state to mitigate  
339 property damage and encourage continued investment in our  
340 communities.

341 (e) Minimum voluntary freeboard requirements are critical  
342 to addressing the devastating effects of flooding, and delaying  
343 the adoption and implementation of such requirements constitutes  
344 a threat to the health, safety, and welfare of the state.

345 (2) For purposes of this section, the term:

346 (a) "Coastal high-hazard area" means a special flood  
347 hazard area along the coast, as delineated by a Flood Insurance  
348 Rate Map issued by the Federal Emergency Management Agency, that  
349 has additional hazards due to wind and wave action.

350 (b) "Freeboard" means the additional height, usually

351 expressed as a factor of safety in feet, above the base flood  
352 elevation in determining the level at which a structure's lowest  
353 floor or the bottom of the lowest horizontal structural member  
354 must be elevated in accordance with floodplain management  
355 regulations and the Florida Building Code. If a base flood  
356 elevation is not determined for a structure that is not located  
357 in a special flood hazard area as designated by a Flood  
358 Insurance Rate Map issued by the Federal Emergency Management  
359 Agency, the term "freeboard" means the highest adjacent grade at  
360 the foundation of a structure.

361 (c) "Maximum allowable height" means the maximum height  
362 allowed for a structure in the applicable zoning district.

363 (d) "Substantial improvement" has the meaning as in s.  
364 161.54(12).

365 (e) "Voluntary freeboard" means the additional height  
366 above the freeboard required by floodplain management  
367 regulations and the Florida Building Code. If freeboard is not  
368 required by floodplain management regulations and the Florida  
369 Building Code, the term "voluntary freeboard" means the  
370 additional height above the highest adjacent grade at the  
371 foundation of a structure.

372 (3)(a) The maximum voluntary freeboard for all new  
373 residential construction and substantial improvements to  
374 existing residential construction is 4 feet.

375 (b) Within a coastal high-hazard area, the maximum

376 voluntary freeboard for all new residential construction and  
 377 substantial improvements to existing residential construction is  
 378 9 feet.

379 (4) For all new construction of a residential structure  
 380 and substantial improvements to an existing residential  
 381 structure, voluntary freeboard may not be used in the  
 382 calculation of the maximum allowable height for the structure.

383 (5) A local government may adopt by ordinance a maximum  
 384 voluntary freeboard that exceeds the requirements in paragraph  
 385 (3) (a).

386 Section 5. Section 440.103, Florida Statutes, is amended  
 387 to read:

388 440.103 Building permits; identification of minimum  
 389 premium policy.—Every employer shall, as a condition to applying  
 390 for and receiving a building permit, show proof and certify to  
 391 the permit issuer that it has secured compensation for its  
 392 employees under this chapter as provided in ss. 440.10 and  
 393 440.38. Such proof of compensation must be evidenced by a  
 394 certificate of coverage issued by the carrier, a valid exemption  
 395 certificate approved by the department, or a copy of the  
 396 employer's authority to self-insure and shall be presented,  
 397 electronically or physically, each time the employer applies for  
 398 a building permit. As provided in s. 553.79(22) ~~s. 553.79(23)~~,  
 399 for the purpose of inspection and record retention, site plans  
 400 or building permits may be maintained at the worksite in the



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

410 Section 6. This act shall take effect July 1, 2023.