

HB 7019

2013

1 A bill to be entitled
2 An act relating to development permits; amending ss.
3 125.022 and 166.033, F.S.; requiring counties and
4 municipalities to attach certain disclaimers and
5 include certain permit conditions when issuing
6 development permits; requiring counties and
7 municipalities to demonstrate that applicable permits
8 have been obtained before development in mapped flood
9 hazard areas; providing an effective date.

10

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

12

13 Section 1. Section 125.022, Florida Statutes, is amended
14 to read:

15 125.022 Development permits.—When a county denies an
16 application for a development permit, the county shall give
17 written notice to the applicant. The notice must include a
18 citation to the applicable portions of an ordinance, rule,
19 statute, or other legal authority for the denial of the permit.
20 As used in this section, the term "development permit" has the
21 same meaning as in s. 163.3164. For any development permit
22 application filed with the county after July 1, 2012, a county
23 may not require as a condition of processing or issuing a
24 development permit that an applicant obtain a permit or approval
25 from any state or federal agency unless the agency has issued a
26 final agency action that denies the federal or state permit
27 before the county action on the local development permit.
28 Issuance of a development permit by a county does not in any way

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29 create any rights on the part of the applicant to obtain a
30 permit from a state or federal agency and does not create any
31 liability on the part of the county for issuance of the permit
32 if the applicant fails to obtain requisite approvals or fulfill
33 the obligations imposed by a state or federal agency or
34 undertakes actions that result in a violation of state or
35 federal law. A county shall ~~may~~ attach such a disclaimer to the
36 issuance of a development permit and shall ~~may~~ include a permit
37 condition that all other applicable state or federal permits be
38 obtained before commencement of the development. For all
39 development in mapped flood hazard areas, the county must
40 demonstrate that all other applicable state and federal permits
41 have been obtained before the commencement of the development.
42 This section does not prohibit a county from providing
43 information to an applicant regarding what other state or
44 federal permits may apply.

45 Section 2. Section 166.033, Florida Statutes, is amended
46 to read:

47 166.033 Development permits.—When a municipality denies an
48 application for a development permit, the municipality shall
49 give written notice to the applicant. The notice must include a
50 citation to the applicable portions of an ordinance, rule,
51 statute, or other legal authority for the denial of the permit.
52 As used in this section, the term "development permit" has the
53 same meaning as in s. 163.3164. For any development permit
54 application filed with the municipality after July 1, 2012, a
55 municipality may not require as a condition of processing or
56 issuing a development permit that an applicant obtain a permit

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57 | or approval from any state or federal agency unless the agency
58 | has issued a final agency action that denies the federal or
59 | state permit before the municipal action on the local
60 | development permit. Issuance of a development permit by a
61 | municipality does not in any way create any right on the part of
62 | an applicant to obtain a permit from a state or federal agency
63 | and does not create any liability on the part of the
64 | municipality for issuance of the permit if the applicant fails
65 | to obtain requisite approvals or fulfill the obligations imposed
66 | by a state or federal agency or undertakes actions that result
67 | in a violation of state or federal law. A municipality shall ~~may~~
68 | attach such a disclaimer to the issuance of development permits
69 | and shall ~~may~~ include a permit condition that all other
70 | applicable state or federal permits be obtained before
71 | commencement of the development. For all development in mapped
72 | flood hazard areas, the municipality must demonstrate that all
73 | other applicable state and federal permits have been obtained
74 | before the commencement of the development. This section does
75 | not prohibit a municipality from providing information to an
76 | applicant regarding what other state or federal permits may
77 | apply.

78 | Section 3. This act shall take effect July 1, 2013.