

By Senator Massullo

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30 conditions; authorizing the development services
31 office of a local government to register less than the
32 specified number of qualified contractors under
33 certain circumstances; authorizing a local government
34 to enter into an agreement with a neighboring local
35 government under certain circumstances; prohibiting a
36 local government from adding its own employees to the
37 registry; authorizing an applicant to use a qualified
38 contractor of his or her choosing to perform the
39 preapplication review under certain circumstances;
40 requiring the governing body of the local government
41 receiving such application to accept and process the
42 application without undue conditioning, denial, or
43 delay; providing an exception; specifying requirements
44 for contracts between a local government and a
45 qualified contractor pursuant to this act; requiring a
46 local government to apply the same material terms for
47 certain contract provisions to contracts with
48 qualified contractors as it does in materially similar
49 contracts; requiring local government contracts with
50 qualified contractors to be as favorable and as
51 stringent as contracts with private contractors
52 performing comparable services; prohibiting a local
53 government from enforcing any additional criteria for
54 qualified contractors beyond what is authorized by the
55 act; nullifying any such criteria; specifying
56 requirements for contracts entered into with qualified
57 contractors; specifying minimum insurance requirements
58 for qualified contractors; providing construction;

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59 providing severability; authorizing an applicant to
60 select a qualified contractor or firm from the
61 registry; prohibiting the applicant from directly
62 paying the qualified contractor; requiring such
63 payments be made to the local government; requiring
64 the local government to pay the qualified contractor
65 within a specified timeframe; requiring a local
66 government to reduce an application fee under certain
67 circumstances; specifying requirements for the
68 calculation of such fee reduction; prohibiting a local
69 government from imposing a surcharge, but authorizing
70 the charge of an administrative fee for the use of a
71 qualified contractor to conduct preapplication review;
72 specifying requirements for such administrative fee;
73 requiring any fee collected to be based on costs
74 actually incurred pursuant to preapplication review;
75 requiring the development services office of a local
76 government to provide a qualified contractor with
77 equal access to resources; requiring the development
78 services office to protect against the disclosure of
79 confidential records; requiring a local government to
80 process an application in a specified timeframe if an
81 applicant does not use a qualified contractor for
82 preapplication review; authorizing an applicant to use
83 a qualified contractor at the sole expense of the
84 local government under certain circumstances;
85 providing for the automatic approval of applications
86 under certain circumstances; requiring a qualified
87 contractor to conduct a preapplication review for only

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88 the disciplines the qualified contractor is licensed
89 or certified; prohibiting a qualified contractor from
90 conducting preapplication review under certain
91 circumstances; requiring a qualified contractor to
92 determine whether the application is in compliance
93 with certain regulations and to work with the
94 applicant to resolve deficiencies; requiring a
95 qualified contractor to submit an affidavit to the
96 development services offices certifying certain
97 information upon a determination that the application
98 complies with certain provisions; specifying
99 requirements for such affidavit; requiring the
100 development services office to approve or deny an
101 application upon receipt; specifying requirements for
102 the development services office if an application is
103 denied; providing construction; prohibiting a
104 development services office or local government from
105 authorizing any law or provision that has the effect
106 of modifying, impairing, or nullifying the act;
107 prohibiting a local government from relying on any law
108 or provision that regulates this act; authorizing a
109 local government to establish a registration system to
110 verify whether a qualified contractor or related
111 entity is in compliance with certain requirements;
112 providing preemption; providing that qualified
113 contractors are subject to certain disciplinary
114 guidelines; requiring that any complaint investigation
115 or discipline that may arise out of a qualified
116 contractor's preapplication review be conducted by a

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117 certain professional board; prohibiting a development
118 services office or local government from auditing a
119 qualified contractor's preapplication review until
120 such entity creates standard auditing procedures;
121 specifying requirements for such procedures; requiring
122 that such audit procedures be publicly accessible;
123 requiring that the results of such audit be made
124 publicly available and updated on a specified basis;
125 providing a limit on audit frequency; providing an
126 exception; providing immunity for specified entities;
127 authorizing local governments, school districts, or
128 independent special districts to use qualified
129 contractors for preapplication review for certain
130 projects; authorizing applicants to bring civil
131 actions under certain circumstances; defining the term
132 "prevailing party"; providing for the award of
133 attorney fees, costs, and damages; providing
134 exceptions; amending s. 177.071, F.S.; prohibiting
135 local governments from creating or establishing
136 additional regulations for the approval of a final
137 plat; requiring a local government to designate a
138 certain administrative authority to take certain
139 actions relating to the approval of infrastructure
140 assurances; requiring a local government to accept
141 certain forms of surety instruments; amending s.
142 177.073, F.S.; revising the definition of the term
143 "applicant"; requiring the governing body of certain
144 local governments and counties to create a program to
145 expedite the process for building permits for planned

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146 unit developments or phases of a community or
147 subdivision; specifying requirements for applicants,
148 qualified contractors, and the governing body of a
149 local government in the event that the local
150 government fails to update or modify a certain program
151 by a specified date; providing construction; requiring
152 a governing body to create a two-step application
153 process under certain circumstances; revising
154 requirements for such application process; authorizing
155 an applicant to use a qualified contractor for land
156 use approvals under certain circumstances; authorizing
157 an applicant to retain a private provider or qualified
158 contractor to process, review, and expedite an
159 application for a preliminary plat or related plans
160 under certain circumstances; defining "conflict of
161 interest"; requiring an applicant to replace a
162 qualified contractor or private provider if a conflict
163 of interest is discovered; prohibiting a governing
164 body from restricting an applicant's use of a private
165 provider or qualified contractor under certain
166 circumstances; requiring a governing body to treat
167 documents submitted by a private provider or an
168 applicant in the same manner as they treat other
169 documents submitted by certain individuals;
170 authorizing a governing body to take certain actions;
171 prohibiting a governing body from imposing certain
172 requirements; requiring an applicant to be responsible
173 for certain fees and costs; voiding and preempting
174 conflicting provisions; defining the term "approved

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175 plans"; providing construction; prohibiting a local
176 government from conditioning, delaying, withholding,
177 or denying the issuance of any permit under certain
178 circumstances; authorizing a local government to waive
179 certain bonding requirements under certain
180 circumstances; revising the circumstances under which
181 an applicant has a vested right in a preliminary plat;
182 providing for preemption; prohibiting any unit of
183 government from taking certain actions or otherwise
184 regulating any processes, approvals, permits, plans,
185 or activities related to land development in a more
186 stringent manner than is required by the act;
187 prohibiting a local government from imposing any
188 measure that would have the effect of conflicting with
189 the act; voiding and preempting conflicting
190 provisions; prohibiting a local government from
191 enacting any law or rule related to building permits
192 which is more strict than those enacted by a state
193 agency governing the same activity and resource;
194 providing that such requirement does not apply to
195 certain floodplain management ordinances; providing an
196 effective date.

197
198 Be It Enacted by the Legislature of the State of Florida:
199
200 Section 1. Section 163.3169, Florida Statutes, is created
201 to read:

202 163.3169 Using qualified contractors in local planning and
203 permitting decisions.—

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204 (1) LEGISLATIVE FINDINGS.—

205 (a) The Legislature recognizes the need for continued
206 growth throughout the state, and the need for an efficient
207 permitting process to accommodate such growth, while balancing
208 the role of local governments in community planning.

209 (b) The Legislature further recognizes that numerous local
210 governments implement innovative planning and development
211 strategies by using the private sector to supplement the needs
212 of government and to keep pace with increasing populations,
213 unmet demands for housing, and continuing budget constraints. To
214 continue meeting future growth demands, all local governments
215 shall use all available resources to ensure that private
216 property owners seeking to build or develop the next generation
217 of this state's housing supply are not burdened by limited local
218 government workforces and can by right use a qualified
219 contractor from the private sector to responsibly review
220 applications as submitted and authorized under this section.

221 (2) DEFINITIONS.—As used in this section, the term:

222 (a) "Applicant" means a developer, homebuilder, or property
223 owner who files an application with a development services
224 office of the governing jurisdiction, which may be submitted and
225 authorized by a qualified contractor, pursuant to this section.

226 (b) "Application" means a properly completed and submitted
227 request for a permit, plans review, or plat approval, including
228 final or preliminary plats, or other types of approvals as
229 deemed necessary by the land development regulations from a
230 development services office. The request includes an affidavit
231 from a qualified contractor attesting that such permit
232 application, request for plans review, or plat approval complies

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233 with the land development regulation and any applicable fee. The
234 term does not include plans or permits as reviewed under s.
235 553.791.

236 (c) "Audit" means a limited, post-submittal verification
237 process conducted solely to confirm that a qualified
238 contractor's preapplication review supports the findings in the
239 required affidavit, demonstrates that the review was performed
240 in accordance with the normal and customary professional
241 practices for the applicable discipline, and that the
242 affidavit's findings are supported by competent and substantial
243 evidence. An audit under this section may not replicate, redo,
244 or substitute for the preapplication review performed by the
245 qualified contractor, and may not go beyond the scope of
246 verifying performance, customary practice, and evidentiary
247 support, unless expressly authorized by this section.

248 (d) "Development services office" means the entity, office,
249 division, or department of a local government responsible for
250 reviewing applications for compliance with the local
251 government's land development regulations and other applicable
252 federal, state, and local requirements. This office may be
253 substantively identical to or housed within the local
254 government's planning and zoning department.

255 (e) "Development services official" means the individual in
256 the development services office of the governing jurisdiction
257 responsible for the direct regulatory administration or
258 supervision of the review and approval process required to
259 indicate compliance with applicable land development
260 regulations. The term includes any duly authorized designee of
261 such person. This individual may be the executive director of

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262 the governing body of a local government or the division
263 director of the local government's planning and zoning
264 department.

265 (f) "Final plat" has the same meaning as in s. 177.073.

266 (g) "Governing body" has the same meaning as in s.

267 163.3164.

268 (h) "Land development regulations" means ordinances enacted
269 by governing bodies for the regulation of any aspect of
270 development and includes any local government zoning, rezoning,
271 subdivision, building construction, or sign regulations, or any
272 other regulations controlling the development of land.

273 (i) "Local government" means a county, a municipality, or a
274 district created pursuant to chapter 189 or chapter 190.

275 (j) "Permit" means an authorization, approval, or grant by
276 a local governing body or development services office that
277 permits the development of land, including any zoning permit,
278 subdivision approval, rezoning, special exception, variance, or
279 any other application, as necessary.

280 (k) "Plans" means site engineering plans or site plans, or
281 their functional equivalent, submitted by an applicant to a
282 qualified contractor or duly authorized representative for
283 review.

284 (l) "Preapplication review" means the analysis conducted by
285 a qualified contractor of the permits, plans, or plats,
286 including final or preliminary plats, to ensure compliance with
287 the applicable land development regulations, and which is part
288 of the application as authorized under this section.

289 (m) "Preliminary plat" means a map or delineated
290 representation of the subdivision of lands which is a complete

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291 and exact representation of the residential subdivision or
292 planned community, and contains any additional information
293 needed to comply with the requirements of chapter 177.

294 (n) "Qualified contractor" means the individual or firm
295 contracted with a development services office or local
296 government to conduct a preapplication review, and who is
297 included in the registry as required by this section. The term
298 includes, but is not limited to, any of the following:

299 1. An engineer or engineering firm licensed under chapter
300 471.

301 2. A surveyor or mapper, or a surveyor's or mapper's firm
302 licensed under chapter 472.

303 3. An architect or architecture firm licensed under part I
304 of chapter 481.

305 4. A landscape architect or a landscape architecture firm
306 registered under part II of chapter 481.

307 5. A planner certified by the American Institute of
308 Certified Planners.

309 6. A local government employee.

310 (o) "Single-trade review" means any review focused on a
311 single component of an application, such as engineering,
312 surveying, planning, or architectural.

313 (3) REQUIREMENTS.—

314 (a) By October 1, 2026, the governing body of a local
315 government shall create a program by which a development
316 services office authorizes an applicant to use a qualified
317 contractor to conduct a preapplication review of any plans,
318 permits, or plats submitted in an application. The governing
319 body must establish the processes by which an applicant may

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320 submit an application for approval to the local government,
321 following a preapplication review conducted by a qualified
322 contractor. The program must specify at least all of the
323 following:

324 1. The manner in which the development services office
325 enters into a contract with a qualified contractor.

326 2. Minimum requirements for selection as a qualified
327 contractor for the program, including verification of current
328 licensure or certification status and review of any adverse
329 actions, discipline, or restrictions imposed by the applicable
330 professional licensing board. A local government may not
331 consider or require as criteria for selection or qualification
332 the contractor's years of experience, geographic location, or
333 any prior or existing work for or with the local government.

334 3. The minimum and maximum hourly rates that a qualified
335 contractor may charge an applicant, comparable to market
336 averages.

337 4. Other necessary and indispensable procedural
338 requirements to implement this section, such as requirements
339 relating to intake, payment, recordkeeping, and notice
340 processes. Additional requirements may not conflict with or
341 impair the intent of this section; may not add to, modify,
342 limit, or condition the rights, duties, standards, scope,
343 qualifications, or effects established by this section; and may
344 not impose any substantive review criteria, terms, or conditions
345 on applicants or qualified contractors.

346 (b) The program must require a local government to approve
347 an application upon the submission of such application with an
348 affidavit verifying that the application, as submitted to the

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349 qualified contractor for preapplication review, complies with
350 the applicable land development regulations. The program may not
351 impose additional terms, conditions, or duplicative review
352 processes. The application must be approved by the local
353 government within the specified timeframes under ss. 125.022 and
354 166.033. The development services office shall not conduct any
355 additional review of the permits, plans, or plats, including
356 final or preliminary plats, subject to the preapplication
357 review, except as expressly authorized by this section. A local
358 government may not enact any requirement to the program that
359 would complicate or impair the applicant's ability to use a
360 qualified contractor pursuant to the program, or otherwise
361 regulate the selection, scope, timing, methods, or fees of a
362 qualified contractor's preapplication review, except as
363 expressly authorized by this section.

364 (4) REGISTRY.

365 (a) The development services office of a local government
366 shall establish a registry of at least six qualified
367 contractors, or, for local governments serving populations of
368 less than 10,000, a registry including no less than three
369 qualified contractors, whom the local government shall use to
370 conduct preapplication reviews pursuant to the program. If the
371 minimum requirements for the qualified contractor specified in
372 subparagraph (3)(a)2. are met, the development services office
373 does not have discretion to add a qualified contractor or
374 qualified contractor firm to the registry upon such entity's
375 request to be added to the registry.

376 (b) If, after making reasonable efforts, less than six
377 qualified contractors are available, or if less than three

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378 qualified contractors are available for local governments
379 serving populations of less than 10,000, the development
380 services office shall register any willing available qualified
381 contractors that meet the requirements of subparagraph (3)(a)2.

382 (c) The local government may enter into an agreement with a
383 neighboring local government for the purpose of using public
384 employees who meet the requirements for a qualified contractor
385 to complete the preapplication review. A local government may
386 not add its own employees to the registry.

387 (5) SELECTION OF A QUALIFIED CONTRACTOR OF APPLICANT'S
388 CHOICE.—

389 (a) If any of the following conditions exist, an applicant
390 who elects to participate in the program must have the
391 unconditional right to use a qualified contractor of his or her
392 choice, as long as the qualified contractor satisfies the
393 minimum requirements in subparagraph (3)(a)2. for preapplication
394 review:

395 1. The governing body of a local government fails to create
396 the program established pursuant to subsection (3) before
397 October 1, 2026.

398 2. The development services office of the local government
399 fails to create the registry as required pursuant to subsection
400 (4).

401 3. The registry created pursuant to subsection (4) does not
402 consist of the requisite number of qualified contractors.

403 (b) The local government must approve such application
404 pursuant to this subsection and may not condition, deny, delay,
405 or otherwise contest the applicant's selection or use of the
406 qualified contractor, except upon a written determination

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407 supported by competent substantial evidence that the qualified
408 contractor has a conflict of interest with the applicant, as
409 defined in s. 112.312, or under any stricter conflict of
410 interest standards applicable to the contractor's professional
411 license.

412 (6) CONTRACT TERMS; UNIFORMITY; INSURANCE.—

413 (a) A contract entered into by a local government with a
414 qualified contractor under this section must contain terms and
415 conditions that are consistent with, and as strict as, the
416 requirements of this section. A local government may not include
417 any contractual term, condition, policy, procedure, or
418 specification that has the effect of expanding, modifying, or
419 restricting the rights, obligations, or processes established by
420 this section.

421 (b) A local government shall apply the same material terms
422 governing payment, performance standards, deliverables,
423 timelines, notices, curing, and oversight to contracts with
424 qualified contractors, as it applies to materially similar
425 contracts for services procured from private contractors for
426 comparable scope and complexity. A local government may not
427 impose different or more burdensome payment terms, performance
428 obligations, audit or reporting requirements, or oversight
429 mechanisms on qualified contractors than those applied to
430 private contractors providing comparable services. If the local
431 government uses substantially similar contracts for private
432 contractors performing comparable services, the contracts
433 governing qualified contractors must be no less favorable than
434 the contracts applied to private contractors, and may not be
435 more stringent than the terms that would apply to a similarly

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436 situated private contractor.

437 (c) A local government may not, by contract or otherwise,
438 establish, apply, or enforce any additional criteria,
439 qualifications, prerequisites, certifications, rating systems,
440 experience thresholds, or approval conditions for qualified
441 contractors beyond those expressly authorized by this section
442 and applicable state professional licensure requirements. Any
443 term or condition that purports to create additional criteria or
444 qualifications beyond those authorized by this section is void.

445 (d) A local government shall adopt and use standard
446 contract terms and conditions for agreements with qualified
447 contractors which are substantially similar in form and
448 substance to the local government's standard professional
449 services agreements used for materially similar engagements with
450 private sector providers. The standard contract shall, at a
451 minimum, address scope of services, compensation, invoicing,
452 delivery schedules, termination, dispute resolution, audits
453 limited to compliance with this section, records retention
454 consistent with public records laws, and professional
455 responsibility. A local government may not draft or apply
456 standard terms in a manner that undermines or frustrates the
457 purpose and operation of this section.

458 (e) Insurance requirements for qualified contractors must
459 be commensurate with the estimated value, scope, and risk
460 profile of the services to be performed under the contract and
461 must align with commercially reasonable standards for similarly
462 situated professional services within the jurisdiction. A local
463 government may not impose insurance requirements that exceed
464 what is reasonably necessary for the specific engagement, that

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465 exceed the minimum coverage required under applicable state
466 professional licensing laws absent a documented, project-
467 specific risk determination, or that operate as a barrier to
468 registration or participation by an otherwise qualified
469 contractor. Any insurance requirement must be stated with
470 specificity, including types and limits of coverage, and shall
471 allow the use of customary insurance instruments and
472 endorsements available in the admitted or surplus lines markets.

473 (f) A local government may not, through any contractual
474 provision, administrative interpretation, or implementation
475 practice, impose obligations on a qualified contractor which
476 frustrate, impair, or defeat the legislative intent or
477 requirements of this section, including by replicating
478 preapplication reviews, imposing duplicative performance
479 standards, or conditioning payment on approvals or reviews not
480 authorized by this section. Any contractual provision that
481 conflicts with this section or frustrates its purpose is void
482 and unenforceable.

483 (g) This subsection shall be liberally construed to
484 effectuate the uniform treatment of qualified contractors
485 consistent with private sector contracting practices within the
486 jurisdiction, and to prohibit the indirect circumvention of this
487 section through contract terms. If any provision of this
488 subsection or its application to any person or circumstance is
489 held invalid, the invalidity does not affect other provisions or
490 applications of this subsection which can be given effect
491 without the invalid provision or application, and to this end
492 the provisions of this subsection are severable.

493 (7) PAYMENT, FEES, AND PREAPPLICATION REVIEW.—

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494 (a) The applicant shall have sole discretion to choose a
495 qualified contractor or firm from the established registry under
496 subsection (4) to conduct a preapplication review. The applicant
497 may not pay the qualified contractor directly. Such payment must
498 be made to the local government as part of the application. The
499 local government shall ensure the qualified contractor or the
500 qualified contractor firm is paid within 30 days after
501 completion of services rendered pursuant to the application.

502 (b) If an applicant uses a qualified contractor for the
503 purposes of conducting a preapplication review, the local
504 government must reduce any application fee by the amount of cost
505 savings realized by the development services office for not
506 having to perform such services. Such reduction may be
507 calculated on a flat fee or percentage basis, or any other
508 reasonable means by which a development services office assesses
509 the cost for its application review.

510 1. A local government may not impose a surcharge for
511 preapplication review if the applicant uses a qualified
512 contractor to conduct a preapplication review; however, the
513 local government may charge a reasonable administrative fee,
514 which must be based on the cost that is actually incurred,
515 including the labor cost of the personnel providing the service,
516 by the local government or attributable to the local
517 jurisdiction for the clerical and supervisory assistance
518 required, or both.

519 2. Any fee collected must be based on costs actually
520 incurred pursuant to the preapplication review of an application
521 submitted pursuant to this section.

522 (c) If an applicant uses a qualified contractor to conduct

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523 a preapplication review, the development services office must
524 provide the qualified contractor with equal access to the data,
525 resources, documents, reports, and other information reasonably
526 necessary to perform that review. Such access must be provided
527 only by means that prevent the disclosure of records that are
528 confidential or exempt from public inspection or copying under
529 chapter 119, or any other applicable provision of law protecting
530 private or exempt records, including, but not limited to, secure
531 software portals, access controls, or redaction protocols that
532 safeguard exempt information.

533 (d) If an applicant does not use a qualified contractor
534 pursuant to this section, the local government must process the
535 application within the specified timeframes under ss. 125.022
536 and 166.033. The local government shall use all available
537 resources to ensure compliance with such timeframes. If the
538 local government fails to process the application within such
539 timeframes, the applicant may use a qualified contractor at the
540 sole expense of the local government, as long as the qualified
541 contractor does not have a conflict of interest with the
542 applicant, to review the permits, plans, or plats, including
543 final and preliminary, subject to the preapplication review. If
544 the applicant uses a qualified contractor for preapplication
545 review pursuant to this paragraph, such application must be
546 approved automatically when the local government receives an
547 affidavit from the qualified contractor, and subsection (10)
548 does not apply.

549 (8) RESTRICTIONS ON PREAPPLICATION REVIEW.—A qualified
550 contractor must conduct preapplication review only for
551 applications relating to the disciplines covered by such

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552 qualified contractor's or qualified contractor firm's licensure
553 or certification granted pursuant to chapter 471, chapter 472,
554 or chapter 481, or as certified by the American Institute of
555 Certified Planners, including single-trade review. A qualified
556 contractor may not conduct a preapplication review pursuant to
557 this section if the qualified contractor or the qualified
558 contractor firm is used by the applicant for the same project
559 that is the subject of the application.

560 (9) AFFIDAVIT REQUIREMENTS.—

561 (a) A qualified contractor performing a preapplication
562 review must determine whether the application is in compliance
563 with all applicable land development regulations, comprehensive
564 plan regulations, ordinances, and codes of the governing
565 jurisdiction. The qualified contractor shall work directly with
566 the applicant to resolve any deficiencies. Upon making the
567 determination that the application complies with all relevant
568 land development regulations, comprehensive plan regulations,
569 ordinances, and codes, the qualified contractor shall prepare an
570 affidavit certifying that the following information is true and
571 correct to the best of the qualified contractor's knowledge and
572 belief:

573 1. The preapplication review was conducted by the affiant,
574 who is duly authorized to perform a preapplication review
575 pursuant to this section and holds the appropriate license or
576 certificate.

577 2. The permits, plans, or plats, including final and
578 preliminary, reviewed in the application, comply with all
579 applicable land development regulations, comprehensive plan
580 regulations, ordinances, and codes.

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581 (b) Such affidavit must bear a written or electronic
582 signature and must be submitted electronically to the
583 development services office.

584 (10) AUTHORIZATION AND APPROVAL.—

585 (a) Upon receipt of an application accompanied by an
586 affidavit of the qualified contractor pursuant to subsection
587 (9), the development services office must review and approve or
588 deny such application.

589 (b) Upon the denial of such application, the office must
590 provide written notice to the applicant, specifically
591 identifying any aspects of the application which do not comply
592 with this section; applicable land development regulations;
593 comprehensive plan regulations, ordinances, or codes; and the
594 reasons the application was denied, as well as the specific code
595 chapters and sections, within 10 business days after receipt of
596 the application and affidavit. If the development services
597 office does not provide written notice to the permit applicant
598 within 10 business days, the application shall be deemed
599 approved as a matter of law, and the development services office
600 must issue the authorization or approval of the application by
601 the following business day.

602 (c) The development service office's approval or denial of
603 an application may not be construed as an evaluation of the
604 preapplication review conducted by the qualified contractor.

605 (11) CONSTRUCTION.—

606 (a) Notwithstanding any other law, charter provision,
607 ordinance, regulation, policy, practice, or exercise of police
608 or regulatory powers, a development services office or local
609 government may not adopt, interpret, apply, condition, enforce,

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610 or otherwise give effect to any law, rule, ordinance, charter
611 provision, resolution, procedure, policy, guidance, standard,
612 qualification, fee, surcharge, contractual term, or
613 administrative or quasi-judicial practice that, directly or
614 indirectly, imposes any requirement, restriction, delay, review,
615 approval, denial, condition, audit, inspection, or other barrier
616 to an applicant's use of this section, or is more stringent
617 than, augments, supplements, conflicts with, frustrates,
618 circumvents, or has the effect of modifying, impairing, or
619 nullifying the express terms, purposes, or operation of this
620 section.

621 (b) A local government may not invoke, construe, or rely
622 upon any other provision of general law, special law, home rule
623 authority, comprehensive plan policy, land development
624 regulation; building, zoning, or subdivision requirement; or any
625 public safety, health, welfare, or nuisance authority to expand,
626 supplement, supersede, or diminish the rights, processes,
627 timelines, approvals, or remedies established by this section,
628 nor may any local government condition the acceptance,
629 processing, or approval of an application authorized by this
630 section in compliance with any additional or different
631 requirements not expressly authorized herein.

632 (c) A development services office or local government may
633 establish a registration system to verify whether a qualified
634 contractor, a qualified contractor firm, or a duly authorized
635 representative working alongside such entities is in compliance
636 with licensure requirements and all applicable insurance
637 requirements for holding the professional license.

638 (d) Any local provision or action inconsistent with this

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639 subsection is preempted, void, and unenforceable to the extent
640 of the inconsistency, and this section shall control and be
641 given full force and effect over any conflicting or more
642 stringent provision of law, whether general, special, or local,
643 including any charter or home rule provision, without regard to
644 the order or time of enactment.

645 (12) DISCIPLINARY GUIDANCE.—When performing a
646 preapplication review, a qualified contractor is subject to the
647 disciplinary guidelines of the applicable professional board
648 with jurisdiction over his or her license or certification under
649 chapter 471, chapter 472, or chapter 481. Any complaint
650 investigation or discipline that may arise out of a qualified
651 contractor's preapplication review shall be conducted by the
652 applicable professional board.

653 (13) AUDIT PROCEDURES.—

654 (a) A development services office or local government may
655 not audit the preapplication review of a qualified contractor
656 operating within the local government's jurisdiction until the
657 development services office or local government has created
658 standard auditing procedures for its internal inspection and
659 review staff. Such procedures must include, but are not limited
660 to, all of the following:

- 661 1. The purpose and scope of the audit.
- 662 2. The audit criteria.
- 663 3. A framework for audit processes and procedures for a
664 qualified contractor to file an objection to such audit's
665 findings.
- 666 4. A framework for documenting detailed findings of areas
667 of noncompliance.

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668 (b) Such audit procedures must be publicly available
669 online, and a printed version must be readily accessible in the
670 development services office or local government buildings.

671 (c) The results of such audits must be made publicly
672 available and must be updated at least every 6 months. The
673 office's audit processes must adhere to the office's posted
674 standard audit procedures. A qualified contractor or qualified
675 contractor firm may not be audited more than four times a year,
676 unless the development services office determines a condition of
677 an application constitutes an immediate threat to public safety
678 and welfare, which must be communicated in writing to the
679 qualified contractor or qualified contractor firm.

680 (14) IMMUNITY.—The development services office, development
681 services officials, and the local government shall be immune
682 from liability to any person or party for any action or inaction
683 by an applicant, a qualified contractor, or a qualified
684 contractor firm or its duly authorized representative, in
685 connection with a preapplication review as authorized in this
686 act. Any qualified contractor or qualified contractor firm
687 retained by the local government under contract to review any
688 application filed with the local government pursuant to this
689 section shall be considered an agent of the local government in
690 determining the state insurance coverage and sovereign immunity
691 protection applicability of ss. 284.31 and 768.28.

692 (15) PREAPPLICATION REVIEW FOR SPECIFIED ENTITIES.—
693 Notwithstanding any other law, a county, a municipality, a
694 school district, or an independent special district may use a
695 qualified contractor to provide preapplication or application
696 reviews for a public works project by the county, municipality,

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697 school district, or independent special district.

698 (16) CIVIL ACTIONS AUTHORIZED.—

699 (a) An applicant may bring a civil action for declaratory
700 or injunctive relief against a county or municipality for a
701 violation of this section. In any such action, the court shall
702 award the applicant its reasonable attorney fees and costs,
703 including reasonable appellate attorney fees and costs, if the
704 court determines that the applicant is the prevailing party. For
705 purposes of this paragraph, the term "prevailing party" means
706 the party that obtains an enforceable judgment, order, or
707 comparable court-sanctioned relief on the merits which
708 materially alter the legal relationship of the parties in that
709 party's favor, including the granting of declaratory or
710 injunctive relief or the dismissal with prejudice of the
711 opposing party's claims. The term does not include a party whose
712 objectives are achieved solely by the voluntary cessation of
713 challenged conduct absent a judicial determination or other
714 relief bearing the court's imprimatur. If neither party prevails
715 on the significant issues, or if both parties prevail in part,
716 the court may determine that no party is the prevailing party
717 and may equitably apportion fees and costs.

718 (b) Attorney fees and costs and damages may not be awarded
719 pursuant to this subsection if:

720 1. The applicant provides the governing body of the county
721 or municipality written notice that it is in violation of this
722 section; and

723 2. The governing body of the county or municipality
724 complies with this section within 14 days or issues the
725 authorization or approval request within 14 days.

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726 Section 2. Paragraph (c) is added to subsection (1) of
727 section 177.071, Florida Statutes, to read:

728 177.071 Administrative approval of plats or replats by
729 designated county or municipal official.—

730 (1)

731 (c) The local government may not create or establish any
732 additional regulations or requirements that the applicant must
733 meet for the approval of a final plat. Local governments
734 requiring infrastructure assurances in connection with a final
735 plat approval shall designate the same administrative authority
736 as designated in paragraph (a) to receive and administratively
737 approve or accept the surety instrument. The local government
738 shall accept all commonly used forms of surety instruments or
739 alternative forms of financial assurances, including, but not
740 limited to, performance bonds, letters of credit, escrow
741 agreements, or cash escrow with the county.

742 Section 3. Paragraph (a) of subsection (1), paragraphs (a)
743 and (b) of subsection (2), paragraph (a) of subsection (3),
744 subsection (4), paragraphs (b) and (c) of subsection (6), and
745 subsection (8) of section 177.073, Florida Statutes, are
746 amended, paragraph (d) is added to subsection (2), and
747 subsection (11) is added to that section, to read:

748 177.073 Expedited approval of residential building permits
749 before a final plat is recorded.—

750 (1) As used in this section, the term:

751 (a) "Applicant" means a homebuilder or developer who files
752 an application with the local governing body to identify the
753 percentage of planned homes, or the number of building permits,
754 that the local governing body must issue for a residential

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755 subdivision, planned unit development, or one or more phases in
756 a multi-phased planned community, subdivision, or planned
757 community.

758 (2) (a) By October 1, 2024, the governing body of a county
759 that has 75,000 residents or more and any governing body of a
760 municipality that has 10,000 residents or more and 25 acres or
761 more of contiguous land that the local government has designated
762 in the local government's comprehensive plan and future land use
763 map as land that is agricultural or to be developed for
764 residential purposes shall create a program to expedite the
765 process for issuing building permits for residential
766 subdivisions, planned unit developments, one or more phases of a
767 community or subdivision, or planned communities in accordance
768 with the Florida Building Code and this section before a final
769 plat is recorded with the clerk of the circuit court. The
770 expedited process must include an application for an applicant
771 to identify the percentage of planned homes, ~~not to exceed 50~~
772 ~~percent of the residential subdivision or a~~ planned community,
773 or the number of building permits that the governing body must
774 issue for the residential subdivision or planned community. The
775 application or the local government's final approval may not
776 alter or restrict the applicant from receiving the number of
777 building permits requested, so long as the request does not
778 exceed 50 percent of the planned homes of the residential
779 subdivision or planned community or the number of building
780 permits. This paragraph does not:

781 1. Restrict the governing body from issuing more than 50
782 percent of the building permits for the residential subdivision
783 or planned community.

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784 2. Apply to a county subject to s. 380.0552.

785 (b) Subject to the requirements under subsection (6) (b), a
786 governing body that had a program in place before July 1, 2023,
787 to expedite the building permit process, need only update its
788 their program to approve an applicant's written application to
789 issue up to 50 percent of the building permits for the
790 residential subdivision, planned unit development, or planned
791 community in order to comply with this section. This paragraph
792 does not restrict a governing body from issuing more than 50
793 percent of the building permits for the residential subdivision
794 or planned community.

795 (d) If a governing body fails to adopt a program under
796 paragraph (2) (a) or paragraph (2) (c), or fails to update or
797 modify an existing program as required under paragraph (2) (b) by
798 the applicable statutory deadline, the following will apply
799 without further action or approval by the governing body and
800 notwithstanding any conflicting local requirement:

801 1. The applicant shall have an unconditional, self-
802 executing right to use a qualified contractor of the applicant's
803 choosing to obtain up to 75 percent of the building permits for
804 the residential subdivision, planned unit development, or
805 planned community, including one or more phases thereof, before
806 the final plat is recorded, provided the qualified contractor
807 does not have a conflict of interest with the applicant. For the
808 purpose of this paragraph, "conflict of interest" has the same
809 meaning as in s. 112.312.

810 2. The governing body, local building official, and any
811 local government staff may not condition, delay, limit,
812 restrict, obstruct, or deny the applicant's use of a qualified

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813 contractor under this paragraph, including by imposing any
814 application, review, approval, staffing, procurement,
815 qualification, preapproval, or selection requirements on the
816 qualified contractor other than those expressly required by
817 state law and the Florida Building Code. Any ordinance,
818 resolution, policy, practice, contract, or requirement to the
819 contrary is preempted and void to the extent of the conflict
820 with this paragraph.

821 3. The qualified contractor may perform all services within
822 the scope of his or her licensure and qualifications which are
823 necessary or incidental to obtaining such building permits,
824 including preparing, reviewing, and submitting permit
825 applications and supporting plans, specifications, and
826 documents, and providing signed and sealed documents when
827 required by law. The local building official shall accept such
828 submissions when prepared and sealed by the qualified contractor
829 as meeting any local requirement that the submission be prepared
830 or reviewed by local government staff, and shall review and
831 issue the permits in accordance with the Florida Building Code
832 and applicable state law.

833 4. The governing body and the local building official may
834 not require the applicant or the qualified contractor to use a
835 local government registry, rotation, shortlist, or any other
836 selection or vetting process, and may not require any written
837 agreement, indemnification, fees, or other conditions specific
838 to the use of a qualified contractor under this paragraph,
839 except for standard building permit fees otherwise applicable to
840 all building permit applications, and any fees expressly
841 authorized by state law.

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842 5. The unconditional right provided by this paragraph
843 becomes effective immediately upon the governing body's failure
844 to meet the applicable deadlines in paragraphs (a) or (c),
845 continues in effect unless and until the governing body has
846 adopted or updated a program fully compliant with this section,
847 and may not be limited, impaired, or applied retroactively to
848 reduce the number or percentage of building permits the
849 applicant may obtain or is eligible to obtain under this
850 paragraph.

851 6. This paragraph does not limit or impair the authority of
852 the local building official to enforce the Florida Building
853 Code, the Florida Fire Prevention Code, or other applicable
854 state laws of general application in reviewing and issuing
855 building permits; however, the governing body and the local
856 building official may not impose any additional local
857 procedures, prerequisites, or substantive standards on the
858 applicant or the qualified contractor which have the effect of
859 conditioning, delaying, restricting, or denying the use of a
860 qualified contractor as authorized by this paragraph.

861 (3) A governing body shall create:

862 (a) A two-step application process for the adoption of a
863 preliminary plat, and for stabilized access roads that can
864 support emergency vehicles, inclusive of any plans, in order to
865 expedite the issuance of building permits under this section.
866 The application must allow an applicant to identify the
867 percentage of planned homes or the number of building permits
868 that the governing body must issue for the residential
869 subdivision, or planned community, planned unit development, or
870 one or more phases of a multi-phased planned community or

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871 subdivision.

872 (4) (a) An applicant may use a private provider or qualified
873 contractor for land use approvals in the same manner as provided
874 in pursuant to s. 553.791 to expedite the application process
875 for any plans necessary to support the approval of a site plan,
876 preliminary or final plat, or building permits after a
877 preliminary plat is approved under this section.

878 (b) A governing body shall establish a registry of at least
879 six ~~three~~ qualified contractors whom the governing body may use
880 to supplement staff resources in ways determined by the
881 governing body for processing and expediting the review of an
882 application for a preliminary plat or any plans related to such
883 application. A qualified contractor on the registry who is hired
884 pursuant to this section to review an application, or any part
885 thereof, for a preliminary plat, or any part thereof, may not
886 have a conflict of interest with the applicant. For purposes of
887 this paragraph, the term "conflict of interest" has the same
888 meaning as in s. 112.312.

889 (c) If a governing body fails to establish or maintain the
890 registry required under paragraph (b), an applicant may, at its
891 sole discretion, retain a private provider or qualified
892 contractor of the applicant's choosing to process, review, and
893 expedite any application for a preliminary plat, or any plans
894 related to such application, provided that the selected private
895 provider or qualified contractor does not have a conflict of
896 interest with the applicant. For purposes of this paragraph, the
897 term "conflict of interest" has the same meaning as in s.
898 112.312. If a conflict of interest is identified after
899 selection, the applicant must promptly replace the private

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900 provider or qualified contractor with one who has no conflict of
901 interest, and the governing body must continue processing
902 without delay or prejudice.

903 (d) The governing body may not condition, delay, or deny
904 the applicant's use of such private provider or qualified
905 contractor, and shall accept, process, and act upon reviews,
906 approvals, recommendations, or certifications submitted by the
907 private provider or qualified contractor in the same manner and
908 within the same timeframes as if performed by the governing
909 body's own staff, or by a contractor on the registry. The
910 governing body may verify credentials, require standard
911 submittal formats, and conduct ministerial compliance checks,
912 but may not impose additional requirements that have the effect
913 of frustrating, negating, or impeding the applicant's right to
914 use a private provider or qualified contractor under this
915 paragraph. The applicant shall be responsible for all fees and
916 costs associated with the private provider or qualified
917 contractor. Any ordinance, resolution, policy, practice,
918 contract, or requirement to the contrary is preempted and void
919 to the extent of conflict with this paragraph.

920 (6) The governing body must issue the number or percentage
921 of building permits requested by an applicant in accordance with
922 the Florida Building Code and this section, provided the
923 residential buildings or structures are unoccupied and all of
924 the following conditions are met:

925 (b) The applicant provides proof to the governing body that
926 the applicant has provided a copy of the approved preliminary
927 plat, along with the approved plans, to the relevant electric,
928 gas, water, and wastewater utilities. For purposes of this

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929 paragraph, "approved plans" means plans approved for design and
930 permit review and does not include, and may not be construed to
931 require or imply, any certification, attestation, or
932 confirmation of the completion of construction of any
933 subdivision or planned community infrastructure, or improvements
934 depicted in, referenced by, or required under such plans, except
935 for the construction of the minimum access and roadway
936 improvements required by the Florida Fire Prevention Code for
937 fire department access and operations, such as a stabilized
938 roadway for emergency access. No other subdivision or planned
939 community infrastructure or improvements may be required to be
940 constructed as a condition of permit issuance or approval.

941 1. A local government may not condition, delay, withhold,
942 or deny the issuance of any building permit authorized under
943 this section on:

944 a. The actual completion, substantial completion, or
945 physical installation of any subdivision or planned community
946 infrastructure, or improvements identified in the approved
947 preliminary plat or approved plans; or

948 b. The submission, acceptance, or approval of any
949 certification of completion or similar documentation, including,
950 but not limited to, certificates of completion, substantial
951 completion, engineer's or architect's certifications of
952 completion, as-built or record drawings, pressure or compaction
953 test results, utility acceptance letters, service availability
954 letters, or similar confirmations of finished construction or
955 readiness for service.

956 2. This prohibition applies notwithstanding any ordinance,
957 resolution, policy, practice, development order, permit

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958 condition, concurrency or proportionate-share requirement,
959 development agreement, interlocal agreement, utility policy or
960 standard, or any other local requirement to the contrary.

961 3. This paragraph does not prohibit a local government from
962 requiring documentation strictly necessary to demonstrate
963 compliance with the Florida Fire Prevention Code as a condition
964 of issuing building permits; however, such documentation may not
965 require the physical completion of the subdivision or planned
966 community infrastructure, or improvements beyond what is
967 expressly required to satisfy the Florida Fire Prevention Code.

968 (c) The applicant holds a valid performance bond for up to
969 130 percent of the necessary improvements, as defined in s.
970 177.031(9), that have not been completed upon submission of the
971 application under this section. For purposes of a master planned
972 community as defined in s. 163.3202(5)(b), a valid performance
973 bond is required on a phase-by-phase basis. For purposes of this
974 section, a local government may waive the bonding requirement in
975 this paragraph through its program or on a case-by-case basis
976 upon request of the applicant.

977 (8) For purposes of this section, an applicant has a vested
978 right in a preliminary plat that has been approved by a
979 governing body for the earlier of at least 5 years or if all of
980 the following conditions are met:

981 (a) The applicant relies in good faith on the approved
982 preliminary plat or any amendments thereto.

983 (b) The applicant incurs obligations and expenses,
984 commences construction of the residential subdivision or planned
985 community, and is continuing in good faith with the development
986 of the property.

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987 (11) (a) Notwithstanding any other law, this section is an
988 express and exclusive preemption of the regulation of the
989 activities governed by this section to the state. A county,
990 municipality, special district, or other political subdivision
991 may not create, adopt, enact, amend, interpret, implement,
992 condition, deny, delay, or otherwise regulate any aspect of the
993 processes, approvals, permits, plans, or activities authorized
994 by or arising under this section in any manner that is
995 inconsistent with, more stringent than, or in addition to the
996 requirements established by this section or an applicant's
997 rights and approvals under this section. A local government may
998 not impose, as a condition of any approval or permit authorized
999 by this section, any requirement, standard, study, report,
1000 review, timing or sequencing condition, development order
1001 condition, performance measure, level-of-service or concurrency
1002 determination, exaction, conformity or consistency
1003 determination, or other obligation derived from or contained in
1004 the local government's charter, ordinances, codes, policies,
1005 procedures, resolutions, administrative practices, comprehensive
1006 plan, future land use map, land development regulations, or any
1007 related manual, guideline, or technical standard, if such
1008 requirement would alter, restrict, delay, add to, or otherwise
1009 conflict with the provisions of this section or the approvals
1010 contemplated herein. Any ordinance, resolution, policy,
1011 practice, procedure, plan provision, development order
1012 condition, or other local requirement that purports to regulate
1013 matters preempted by this subsection, or that is inconsistent
1014 with or more stringent than this section, is expressly
1015 preempted, superseded, and void to the extent of the conflict.

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1016 (b) Notwithstanding any other law, in reviewing,
1017 processing, or acting on any application for a building permit
1018 under this section, a local government, including its
1019 development services office and local building official, may not
1020 use, enforce, or apply any local ordinance, regulation, policy,
1021 condition, practice, or criterion relating to environmental
1022 protection or natural resources that is substantially similar
1023 to, duplicative of, or more stringent than a state regulatory
1024 program adopted, implemented, or enforced by a state agency
1025 governing the same activity or resource, and shall instead rely
1026 upon the applicable state program's standards, approvals,
1027 permits, and conditions as determinative of compliance for such
1028 environmental or natural resource matters. This paragraph does
1029 not apply to local floodplain management ordinances adopted to
1030 comply with or participate in the National Flood Insurance
1031 Program, nor does it prohibit a local government from doing any
1032 of the following:

1033 1. Enforcing the Florida Building Code, Florida Fire
1034 Prevention Code, or other state preempted life-safety standards.

1035 2. Implementing a state environmental or natural resource
1036 program pursuant to an express delegation, interlocal agreement,
1037 or contract that requires local implementation of state
1038 standards without imposing requirements more stringent than the
1039 delegated state program.

1040 3. Applying neutral, generally applicable administrative
1041 procedures, timelines, and submittal requirements necessary to
1042 process building permits which do not establish substantive
1043 environmental or natural resource standards in addition to or
1044 more stringent than those of the state program. Any conflicting

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1045 local provision is preempted and of no force or effect to the
1046 extent of the conflict.

1047 Section 4. This act shall take effect July 1, 2026.