

By Senator Massullo

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A bill to be entitled

An act relating to qualified contractors; creating s. 163.3169, F.S.; providing legislative findings; defining terms; requiring the governing body of a local government, by a specified date, to create a program that authorizes an applicant to use a qualified contractor to conduct preapplication review of an application; requiring the governing body to establish certain processes; providing specifications for such program; providing that the program must require a local government to approve an application upon the applicant's submittal of the application with an affidavit verifying certain information; requiring the local government to approve the application in a specified timeframe; prohibiting the development services office of a local government from conducting any additional review of certain documents that were subject to preapplication review; providing an exception; prohibiting a local government from enacting certain requirements that would regulate an applicant's ability to use and otherwise interact with a qualified contractor pursuant to the program; providing an exception; requiring the development services office of a local government to establish a registry of a specified number of qualified contractors to be used to conduct preapplication reviews; prohibiting the development services office from adding a qualified contractor or a firm to the registry upon such entity's request under certain

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conditions; authorizing the development services office of a local government to register less than the specified number of qualified contractors under certain circumstances; authorizing a local government to enter into an agreement with a neighboring local government under certain circumstances; prohibiting a local government from adding its own employees to the registry; authorizing an applicant to use a qualified contractor of his or her choosing to perform the preapplication review under certain circumstances; requiring the governing body of the local government receiving such application to accept and process the application without undue conditioning, denial, or delay; providing an exception; specifying requirements for contracts between a local government and a qualified contractor pursuant to this act; requiring a local government to apply the same material terms for certain contract provisions to contracts with qualified contractors as it does in materially similar contracts; requiring local government contracts with qualified contractors to be as favorable and as stringent as contracts with private contractors performing comparable services; prohibiting a local government from enforcing any additional criteria for qualified contractors beyond what is authorized by the act; nullifying any such criteria; specifying requirements for contracts entered into with qualified contractors; specifying minimum insurance requirements 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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the disciplines the qualified contractor is licensed or certified; prohibiting a qualified contractor from conducting preapplication review under certain circumstances; requiring a qualified contractor to determine whether the application is in compliance with certain regulations and to work with the applicant to resolve deficiencies; requiring a qualified contractor to submit an affidavit to the development services offices certifying certain information upon a determination that the application complies with certain provisions; specifying requirements for such affidavit; requiring the development services office to approve or deny an application upon receipt; specifying requirements for the development services office if an application is denied; providing construction; prohibiting a development services office or local government from authorizing any law or provision that has the effect of modifying, impairing, or nullifying the act; prohibiting a local government from relying on any law or provision that regulates this act; authorizing a local government to establish a registration system to verify whether a qualified contractor or related entity is in compliance with certain requirements; providing preemption; providing that qualified contractors are subject to certain disciplinary guidelines; requiring that any complaint investigation or discipline that may arise out of a qualified contractor's preapplication review be conducted by a

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

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unit developments or phases of a community or subdivision; specifying requirements for applicants, qualified contractors, and the governing body of a local government in the event that the local government fails to update or modify a certain program by a specified date; providing construction; requiring a governing body to create a two-step application process under certain circumstances; revising requirements for such application process; authorizing an applicant to use a qualified contractor for land use approvals under certain circumstances; authorizing an applicant to retain a private provider or qualified contractor to process, review, and expedite an application for a preliminary plat or related plans under certain circumstances; defining "conflict of interest"; requiring an applicant to replace a qualified contractor or private provider if a conflict of interest is discovered; prohibiting a governing body from restricting an applicant's use of a private provider or qualified contractor under certain circumstances; requiring a governing body to treat documents submitted by a private provider or an applicant in the same manner as they treat other documents submitted by certain individuals; authorizing a governing body to take certain actions; prohibiting a governing body from imposing certain requirements; requiring an applicant to be responsible for certain fees and costs; voiding and preempting conflicting provisions; defining the term "approved

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

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

Section 1. Section 163.3169, Florida Statutes, is created to read:

163.3169 Using qualified contractors in local planning and permitting decisions.-

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(1) LEGISLATIVE FINDINGS.—

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

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

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

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

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

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

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

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

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

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

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

(g) "Governing body" has the same meaning as in s.
163.3164.

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

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

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

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

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

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

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

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

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

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

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

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

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

6. A local government employee.

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

(3) REQUIREMENTS.—

(a) By October 1, 2026, the governing body of a local
government shall create a program by which a development
services office authorizes an applicant to use a qualified
contractor to conduct a preapplication review of any plans,
permits, or plats submitted in an application. The governing
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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supported by competent substantial evidence that the qualified contractor has a conflict of interest with the applicant, as defined in s. 112.312, or under any stricter conflict of interest standards applicable to the contractor's professional license.

(6) CONTRACT TERMS; UNIFORMITY; INSURANCE.—

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

(b) A local government shall apply the same material terms governing payment, performance standards, deliverables, timelines, notices, curing, and oversight to contracts with qualified contractors, as it applies to materially similar contracts for services procured from private contractors for comparable scope and complexity. A local government may not impose different or more burdensome payment terms, performance obligations, audit or reporting requirements, or oversight mechanisms on qualified contractors than those applied to private contractors providing comparable services. If the local government uses substantially similar contracts for private contractors performing comparable services, the contracts governing qualified contractors must be no less favorable than the contracts applied to private contractors, and may not be 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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subsection is preempted, void, and unenforceable to the extent of the inconsistency, and this section shall control and be given full force and effect over any conflicting or more stringent provision of law, whether general, special, or local, including any charter or home rule provision, without regard to the order or time of enactment.

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

(13) AUDIT PROCEDURES.—

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

1. The purpose and scope of the audit.
2. The audit criteria.
3. A framework for audit processes and procedures for a qualified contractor to file an objection to such audit's findings.
4. A framework for documenting detailed findings of areas 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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Section 2. Paragraph (c) is added to subsection (1) of section 177.071, Florida Statutes, to read:

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

(1)

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

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

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

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

(a) "Applicant" means a homebuilder or developer who files an application with the local governing body to identify the percentage of planned homes~~7~~, or the number of building permits, that the local governing body must issue for a residential

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

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

1. Restrict the governing body from issuing more than 50 percent of the building permits for the residential subdivision 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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contractor under this paragraph, including by imposing any application, review, approval, staffing, procurement, qualification, preapproval, or selection requirements on the qualified contractor other than those expressly required by state law and the Florida Building Code. Any ordinance, resolution, policy, practice, contract, or requirement to the contrary is preempted and void to the extent of the conflict with this paragraph.

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

4. The governing body and the local building official may not require the applicant or the qualified contractor to use a local government registry, rotation, shortlist, or any other selection or vetting process, and may not require any written agreement, indemnification, fees, or other conditions specific to the use of a qualified contractor under this paragraph, except for standard building permit fees otherwise applicable to all building permit applications, and any fees expressly 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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subdivision.

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

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

(c) If a governing body fails to establish or maintain the registry required under paragraph (b), an applicant may, at its sole discretion, retain a private provider or qualified contractor of the applicant's choosing to process, review, and expedite any application for a preliminary plat, or any plans related to such application, provided that the selected private provider or qualified contractor does not have a conflict of interest with the applicant. For purposes of this paragraph, the term "conflict of interest" has the same meaning as in s. 112.312. If a conflict of interest is identified after 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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paragraph, "approved plans" means plans approved for design and permit review and does not include, and may not be construed to require or imply, any certification, attestation, or confirmation of the completion of construction of any subdivision or planned community infrastructure, or improvements depicted in, referenced by, or required under such plans, except for the construction of the minimum access and roadway improvements required by the Florida Fire Prevention Code for fire department access and operations, such as a stabilized roadway for emergency access. No other subdivision or planned community infrastructure or improvements may be required to be constructed as a condition of permit issuance or approval.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Applying neutral, generally applicable administrative procedures, timelines, and submittal requirements necessary to process building permits which do not establish substantive environmental or natural resource standards in addition to or 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.