

By the Committee on Judiciary; and 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 a preapplication review of an application; requiring the governing body to establish certain processes; providing specifications for such program; prohibiting certain additional requirements; requiring a local government to deem an application that satisfies specified provisions administratively complete for certain purposes; prohibiting the program from imposing additional terms, conditions, or duplicative review processes; providing that the program may allow for the review of ownership authorizations for the development of the property; providing construction; requiring the development services office of a local government to establish a registry of a specified number of qualified contractors to conduct preapplication reviews; authorizing the development services office of a local government to register more or less than the specified number of qualified contractors under certain circumstances; authorizing a local government to enter into an agreement with another local government under certain circumstances; prohibiting a local government from adding its own employees to the registry; requiring a local

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government to use certain contract terms and conditions; prohibiting a local government from drafting or applying contractual terms that impose certain obligations on qualified contractors; requiring an applicant to have the right to use a qualified contractor of his or her choosing to perform the preapplication review under certain circumstances; prohibiting a local government from conditioning, denying, delaying, or otherwise contesting an applicant's selection or use of a qualified contractor of his or her choosing, except upon a certain determination; providing that an applicant has sole discretion to choose a qualified contractor from the registry; specifying requirements for payment to the qualified contractor; requiring a local government to reduce any application fee by a certain amount if the applicant uses a qualified contractor for preapplication review; specifying requirements for such fee reduction; requiring fees to be reasonably related to certain actual costs; requiring a development services office to provide a qualified contractor conducting a preapplication review with access to certain resources; providing construction; requiring a local government to conduct a preapplication review within specified timeframes if the applicant does not use a qualified contractor; authorizing an applicant to use a qualified contractor from the registry, at the expense of the local government, if the local government fails to process

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the application in the required time under certain conditions; providing for the automatic acceptance of certain applications; authorizing a qualified contractor to conduct preapplication reviews only of applications relating to the disciplines covered by the qualified contractor's licensure; prohibiting a qualified contractor from conducting a preapplication review under certain circumstances; requiring a qualified contractor to determine if an application is in compliance with specified regulations; requiring a qualified contractor to work with the applicant to resolve deficiencies; requiring a qualified contractor to prepare an affidavit for the preapplication review upon making a certain determination; specifying requirements for such affidavit; requiring the development services office to make a certain determination on the application upon receipt of such affidavit; requiring the development services office to take certain actions upon its determination; providing that an application determined to be administratively complete does not constitute substantive approval of the permit; providing construction; prohibiting the development services office from conducting duplicative review of the permit subject to preapplication review; specifying the purpose of the development services office's review; prohibiting the development services office from re-reviewing materials subject to preapplication review; providing an exception; providing that

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inconsistent local provisions are preempted, void, and unenforceable; providing construction; providing disciplinary guidelines; authorizing a local government to audit the work of qualified contractors; specifying requirements for such auditing procedures; providing construction; authorizing specified entities to provide preapplication reviews for public works projects; authorizing a civil action; authorizing the award of attorney fees and costs; defining the term "prevailing party"; prohibiting the award of attorney fees, costs, or damages under certain circumstances; amending s. 177.071, F.S.; prohibiting local governments from creating, establishing, or applying specified 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; providing requirements for local government review of such 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 include multi-phased developments in a program that expedites the process for building permits for planned unit developments or phases of a community or subdivision; specifying automatic actions in the event that the local government fails to adopt, update, or modify a certain

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program by a specified date; providing construction;
requiring a governing body to create a two-step
application process for stabilized access to roads
that can support emergency vehicles; revising
requirements for such application process; authorizing
an applicant to use a qualified contractor for land
use approvals under certain circumstances; increasing
the number of qualified contractors on a specified
registry; 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
the term "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; requiring the governing body to accept,
process, and act upon the such private provider's or
qualified contractor's reviews, approvals,
recommendations, or certifications under certain
circumstances and in a specified manner; 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 plans";
providing construction; prohibiting a local government
from conditioning, delaying, withholding, or denying

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the issuance of certain permits under certain
circumstances; providing applicability; providing
construction; 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 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 development order
preapplication review.-

(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

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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 person or legal entity having a legal or equitable ownership interest in real property, or an authorized agent acting on behalf of such person or entity, that applies for a land development approval from the local government pursuant to this section.

(b) "Application" means a properly completed and submitted request for a permit as defined herein, on behalf of an applicant, which includes an affidavit from a qualified contractor as required by this section. 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, demonstrate that the review was performed in accordance with the normal and customary professional practices for the applicable discipline, and ensure that the affidavit's findings are supported by the application.

(d) "Development services office" means the entity, office, division, or department of a local government which is 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

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who is 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 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" has the same meaning as in s. 163.3164, but excludes building permits and plans subject to s. 553.791.

(i) "Local government" means:

1. A county that has 25,000 or more residents, but does not include a county subject to s. 380.0552;

2. A municipality that has 10,000 or more residents; or

3. An independent district created pursuant to chapter 189 or chapter 190 with authority over land development regulations.

(j) "Permit" means an authorization, approval, or grant by a local governing body or development services office that authorizes the development of land as set forth therein for any subdivision approval, plat approval, or site plan approval. For the purposes of this section, a permit does not include the review and approval of discretionary land use decisions, such as rezonings, variances, special exceptions, conditional uses, comprehensive plan amendments, or any other quasi-judicial land use approval requiring a public hearing or findings supported by

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233 competent substantial evidence.

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

238 (l) "Preapplication review" means the analysis of a permit
239 conducted by a qualified contractor to ensure compliance with a
240 comprehensive plan, chapter 177, and applicable land development
241 regulations, and which is part of the application as authorized
242 under this section.

243 (m) "Preliminary plat" means a map or delineated
244 representation of the subdivision of lands which is a complete
245 and exact representation of the residential subdivision or
246 planned community and contains any additional information needed
247 to comply with the requirements of chapter 177.

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

253 1. An engineer or engineering firm licensed under chapter
254 471.

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

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

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

261 5. A planner certified by the American Institute of

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262 Certified Planners.

263 6. A local government employee, for the limited purposes of
264 compliance with subsection (4) (c).

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

268 (3) REQUIREMENTS.—

269 (a) By January 1, 2027, the governing body of a local
270 government shall create a program by which a development
271 services office shall authorize an applicant to use a qualified
272 contractor to conduct a preapplication review of any permits
273 submitted in an application. The governing body shall establish
274 the processes by which an applicant may submit an application to
275 the local government, following a preapplication review
276 conducted by a qualified contractor. The program must specify,
277 at a minimum, all of the following:

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

280 2. Minimum requirements for selection as a qualified
281 contractor for the program, including verification of current
282 licensure or certification status and review of any adverse
283 actions, discipline, or restrictions imposed by the applicable
284 professional licensing board. A local government may consider or
285 require as criteria for selection or qualification a minimum of
286 5 years of experience for qualified contractors, but may not
287 consider or require for selection or qualification geographic
288 location or any prior or existing work for or with the local
289 government.

290 3. The minimum and maximum hourly rates that a qualified

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contractor may charge an applicant, comparable to market averages, as part of the application fee.

4. Other necessary and indispensable procedural requirements to implement this section, such as requirements relating to intake, payment, recordkeeping, and notice processes.

(b) Additional requirements may not conflict with or impair the intent of this section; may not add to, modify, limit, or condition the rights, duties, standards, scope, qualifications, or effects established by this section; and may not impose any substantive review criteria, terms, or conditions on applicants or qualified contractors.

(c) The program must require a local government to deem an application that meets the requirements of this section administratively complete for purposes of acceptance and processing.

(d) The program may not impose additional terms, conditions, or duplicative review processes with respect to the preapplication review for an application that meets the requirements of this section. However, the program may allow for the review of ownership authorizations for the development of the property.

(e) This section may not be construed to waive, limit, or otherwise affect any requirement of the Consultants' Competitive Negotiation Act pursuant to s. 287.055 or a local government's duly adopted procurement process.

(4) REGISTRY.—

(a) The development services office of a local government shall establish a registry of at least six qualified

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contractors. If the minimum requirements for the qualified contractor specified in subparagraph (3) (a)2. are met, the development services office may add a qualified contractor to the registry upon such entity's request to be added to the registry.

(b) If, after making reasonable efforts, less than six qualified contractors are available to be added to the registry, or if less than three qualified contractors are available for local governments serving populations of less than 10,000, the development services office must register any willing and available qualified contractor that meets the requirements of subparagraph (3) (a)2.

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

(d) A local government shall adopt and use standard contract terms and conditions for agreements with qualified contractors which are substantially similar in form and substance to the local government's standard professional services agreements used for materially similar engagements with private sector providers. A local government may not draft or apply contractual terms that impose obligations on qualified contractors which frustrate, impair, or defeat the legislative intent of this section.

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

(a) If any of the following conditions exists, an applicant

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349 who elects to participate in the program must have the
350 unconditional right to use a qualified contractor of his or her
351 choice, as long as the qualified contractor satisfies the
352 minimum requirements in subparagraph (3)(a)2., for
353 preapplication review:

354 1. The governing body of a local government fails to create
355 the program pursuant to subsection (3) before January 1, 2027.

356 2. The development services office of the local government
357 fails to create the registry as required pursuant to subsection
358 (4).

359 3. The registry created pursuant to subsection (4) does not
360 consist of the requisite number of qualified contractors and the
361 local government has not complied with the requirements of
362 paragraph (4)(b).

363 (b) The local government may not condition, deny, delay, or
364 otherwise contest the applicant's selection or use of the
365 qualified contractor, except upon a written determination
366 supported on specific, articulable facts stating that the
367 qualified contractor does not meet the requirements of this
368 section, or that the qualified contractor has a conflict of
369 interest with the applicant, as defined in s. 112.312, or under
370 any stricter conflict of interest standards applicable to the
371 qualified contractor's professional license or certification.

372 (6) PAYMENT, FEES, AND PREAPPLICATION REVIEW.—

373 (a) The applicant shall have sole discretion to choose a
374 qualified contractor from the established registry under
375 subsection (4) to conduct a preapplication review of a permit.
376 The applicant may not pay the qualified contractor directly.
377 Such payment must be made to the local government with the

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378 initial submission of the application. The local government must
379 ensure the qualified contractor is paid in compliance with the
380 Local Government Prompt Payment Act under part VII of chapter
381 218.

382 (b) If an applicant uses a qualified contractor for the
383 purposes of conducting a preapplication review, the local
384 government must reduce any application fee by the amount of cost
385 savings realized by the development services office for not
386 having to perform such services. Such reduction may be
387 calculated on a flat fee or percentage basis, or any other
388 reasonable means by which a development services office assesses
389 the cost for its application review. The reduction in the
390 application fee does not relieve the applicant of responsibility
391 for payment of the qualified contractor's fees as required in
392 paragraph (a). Any application or administrative fee imposed
393 under this section must be reasonably related to the actual cost
394 incurred by the local government in administering the
395 application and processing.

396 (c) If an applicant uses a qualified contractor to conduct
397 a preapplication review, the development services office must
398 provide the qualified contractor with access to the public
399 records and information reasonably necessary to perform the
400 preapplication review. This paragraph does not authorize the
401 disclosure of records that are confidential or exempt from
402 public inspection or copying under chapter 119 or any other
403 applicable law, and access to such records is provided only to
404 the extent permitted by law. This paragraph may not be construed
405 to require a local government to violate the licensing terms of
406 proprietary software or related vendor agreements.

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407 (d)1. If an applicant does not use a qualified contractor
408 pursuant to this section, the local government must conduct any
409 requested preapplication review within the applicable timeframes
410 under ss. 125.022 and 166.033, to the extent those sections
411 apply to the type of preapplication review requested. If the
412 local government fails to process the application within the
413 required timeframes, the applicant may use a qualified
414 contractor from the registry at the sole expense of the local
415 government if all of the following conditions are met:

416 a. The local government fails to establish such registry
417 pursuant to subsection (4); and

418 b. The qualified contractor does not have a conflict of
419 interest in reviewing the permits, plans, or plats, including
420 final and preliminary, subject to the preapplication review and
421 otherwise meets the requirements of this section.

422 2. If the applicant uses a qualified contractor for
423 preapplication review pursuant to this paragraph, such
424 application must be accepted automatically when the local
425 government receives an affidavit from the qualified contractor,
426 and subsection (10) does not apply.

427 (7) RESTRICTIONS ON PREAPPLICATION REVIEW.—A qualified
428 contractor may conduct preapplication review only for
429 applications relating to the disciplines covered by such
430 qualified contractor's licensure or certification granted
431 pursuant to chapter 471, chapter 472, or chapter 481, or as
432 certified by the American Institute of Certified Planners,
433 including single-trade review. A qualified contractor may not
434 conduct a preapplication review pursuant to this section if the
435 qualified contractor is used by the applicant for the same

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project that is the subject of the application, or has a conflict of interest pursuant to s. 112.312.

(8) AFFIDAVIT REQUIREMENTS.—

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

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

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

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

(9) AUTHORIZATION AND APPROVAL.—

(a) Upon receipt of an application accompanied by an affidavit of the qualified contractor pursuant to subsection

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465 (8), the development services office must review and accept the
466 application as administratively complete or reject such
467 application as administratively incomplete.

468 (b) Upon a finding that the application is administratively
469 complete, the development services office shall, by the
470 following business day, forward the application for final action
471 by the appropriate approving authority or, if approval is
472 delegated to an employee within the development services office,
473 proceed with final action in accordance with this section and
474 ss. 125.022 and 166.033.

475 (c) If the development services office determines that an
476 application submitted pursuant to this subsection is
477 administratively incomplete, the office must provide written
478 notice to the applicant specifically identifying any aspects of
479 the application which do not comply with this section;
480 applicable land development regulations; or comprehensive plan
481 regulations, ordinances, or codes, and the reasons the
482 application was denied with reference to code chapters and
483 sections, within 10 business days after receipt of the
484 application and affidavit. If the development services office
485 does not provide written notice to the permit applicant within
486 10 business days, the application shall be deemed
487 administratively complete as a matter of law solely for purposes
488 of acceptance, routing, and processing, and the development
489 services office must, by the following business day, forward the
490 application for final action to the appropriate approving
491 authority or, if the development services office is the
492 approving authority, proceed to final action in accordance with
493 this section and ss. 125.022 and 166.033. An application

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determined to be administratively complete under this paragraph does not constitute substantive approval of the permit submitted and may not be construed to limit the authority to grant or deny the application consistent with this section; however, the development services office may not conduct any duplicative review of the permit subject to preapplication review except as expressly authorized by this section.

(d) The development services office's review under this subsection is ministerial and limited to confirming administrative completeness and proper form. The development services office may not re-review the technical sufficiency or substantive compliance of materials subject to preapplication review by a qualified contractor, except as expressly authorized by this section or by law.

(10) CONSTRUCTION.—Any local provision or action inconsistent with this section 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.

(11) 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. Notwithstanding the audit procedures in subsection (12), any complaint investigation or discipline that may arise out of a qualified contractor's preapplication review shall be conducted by the applicable

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professional board. Complaints regarding conflicts of interest or other ethical violations shall be reviewed as provided in chapter 112.

(12) AUDIT PROCEDURES.—A local government may audit the work of a qualified contractor performing preapplication review under this section pursuant to procedures established by the local government. Such procedures must be reasonable, applied in a nondiscriminatory manner, and made publicly available. A qualified contractor must be provided written notice of any audit findings and a reasonable opportunity to respond. Nothing in this subsection limits a local government's authority to enforce contract terms, address conflicts of interest, remove a qualified contractor from participation in the program, or take action necessary to protect the public health, safety, or welfare. 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.

(13) PREAPPLICATION REVIEW FOR SPECIFIED ENTITIES.—Notwithstanding any other law, a county, a municipality, a school district, or an independent special district may use a qualified contractor to provide preapplication review for a public works project by the county, municipality, school district, or independent special district.

(14) CIVIL ACTIONS AUTHORIZED.—

(a) An applicant may bring a civil action for declaratory or injunctive relief against a county or municipality for a violation of this section. In any such action, the court shall

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award the prevailing party reasonable attorney fees and costs.
For purposes of this paragraph, the term "prevailing party"
means the party that obtains an enforceable judgment, order, or
comparable court-sanctioned relief on the merits which
materially alter the legal relationship of the parties in that
party's favor, including the granting of declaratory or
injunctive relief or the dismissal with prejudice of the
opposing party's claims. The term does not include a party whose
objectives are achieved solely by the voluntary cessation of
challenged conduct absent a judicial determination or other
relief bearing the court's imprimatur. If neither party prevails
on the significant issues, or if both parties prevail in part,
the court may determine that no party is the prevailing party
and may equitably apportion fees and costs.

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

1. The applicant provides the local government written
notice that it is in violation of this section; and

2. The local government complies with this section within
14 days or completes a preapplication review for the applicant
that has submitted written notice of a violation of this section
within 14 days.

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) A local government may not create, establish, or apply
any additional local procedure or condition for the

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581 administrative approval of a plat or replat under this section
582 that is inconsistent with this section or s. 177.091. If
583 infrastructure financial assurances are required as a condition
584 of plat or replat approval, the administrative authority
585 designated in paragraph (a) shall receive and act upon the
586 proposed assurance. The local government shall accept commonly
587 used forms of financial assurance, including performance bonds,
588 letters of credit, and escrow agreements, provided the assurance
589 is in a form reasonably acceptable to the local government and
590 issued by a financially responsible issuer meeting objective,
591 uniformly applied standards. Local government review of such
592 financial assurance shall be limited to verifying that the
593 amount, form, and issuer satisfy the requirements of s. 177.091
594 and the local government's uniformly applied standards, and may
595 not be used to unreasonably delay approval. If the assurance is
596 deficient, the local government shall provide written notice of
597 deficiencies within 10 business days.

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

604 177.073 Expedited approval of residential building permits
605 before a final plat is recorded.—

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

607 (a) "Applicant" means a homebuilder or developer who files
608 an application with the local governing body to identify the
609 percentage of planned homes, or the number of building permits,

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610 that the local governing body must issue for a residential
611 subdivision, or one or more phases in a multiphased planned
612 community, subdivision, or planned community.

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

636 1. Restrict the governing body from issuing more than 50
637 percent of the building permits for the residential subdivision
638 or planned community.

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

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

(d)1. If a governing body fails to adopt a program under paragraph (a) or paragraph (c), or fails to update or modify an existing program as required under paragraph (b) by the applicable statutory deadline, the following will apply without further action or approval by the governing body and notwithstanding any conflicting local requirement:

a. The applicant shall have an unconditional, self-executing right to use a qualified contractor of the applicant's choosing, within the scope of the contractor's professional licensure and as authorized under s. 177.073, to perform technical review and certification necessary to support the issuance of up to 75 percent of the building permits for the residential subdivision or planned community, including one or more phases thereof, before the final plat is recorded, provided the qualified contractor does not have a conflict of interest. For the purposes of this paragraph, the term "conflict of interest" has the same meaning as in s. 112.312.

b. The governing body, local building official, and any local government staff may not condition, delay, limit,

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668 restrict, obstruct, or deny the applicant's use of a qualified
669 contractor under this paragraph. Nothing in this paragraph
670 prohibits a local government from applying neutral, generally
671 applicable requirements relating to procurement, contracting,
672 insurance, indemnification, conflict-of-interest review,
673 credential verification, recordkeeping, or public safety,
674 provided such requirements do not materially impair or frustrate
675 the applicant's ability to use a qualified contractor as
676 authorized by this paragraph. Any local requirement that
677 directly conflicts with this paragraph is preempted to the
678 extent of the conflict.

679 c. The qualified contractor may perform all technical
680 review services within the scope of his or her licensure and
681 qualifications which are necessary to obtain such building
682 permits as specifically authorized under this section, including
683 preparing, reviewing, and submitting permit applications and
684 supporting plans, specifications, and documents, and providing
685 signed and sealed documents when required by law. The local
686 building official shall accept such submissions when prepared
687 and sealed by the qualified contractor as meeting any local
688 requirement that the submission be prepared or reviewed by local
689 government staff, and shall review and issue the permits in
690 accordance with the Florida Building Code and applicable state
691 law. Nothing in this paragraph limits the authority of the local
692 building official to review such submission by a qualified
693 contractor for compliance with the Florida Building Code and
694 applicable state law, to identify deficiencies, or to approve or
695 deny the permit in accordance with the law.

696 d. The governing body and the local building official may

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not unreasonably require the applicant or the qualified contractor to use a local government registry, rotation, or shortlist, or any other selection or vetting process, which has the effect of denying or materially delaying the applicant's use of a qualified contractor under this section..

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

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

(3) A governing body shall create:

(a) A two-step application process for the adoption of a preliminary plat, and for stabilized access roads that can support emergency vehicles, inclusive of any plans, in order to

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expedite the issuance of building permits under this section. The application must allow an applicant to identify the percentage of planned homes or the number of building permits that the governing body must issue for the residential subdivision, ~~or~~ planned community, or one or more phases of a multiphased planned community or subdivision.

(4) (a) An applicant may use a private provider or qualified contractor 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 supporting documents, provided that the selected private provider or

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qualified contractor does not have a conflict of interest. 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 provider or qualified contractor with one that does not have a conflict of interest, and the governing body must continue processing without delay or prejudice.

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

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

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

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

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813 letters, or similar confirmations of finished construction or
814 readiness for service; or

815 c. Compliance with an environmental condition that is not
816 required by its land development regulations or by state law or
817 federal law to obtain a building permit.

818 2. This prohibition applies notwithstanding any ordinance,
819 resolution, policy, practice, development order, permit
820 condition, concurrency or proportionate-share requirement,
821 development agreement, interlocal agreement, utility policy or
822 standard, or other local requirement to the contrary.

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

831 (c) The applicant holds a valid performance bond for up to
832 130 percent of the necessary improvements, as defined in s.
833 177.031(9), that have not been completed upon submission of the
834 application under this section. For purposes of a master planned
835 community as defined in s. 163.3202(5)(b), a valid performance
836 bond is required on a phase-by-phase basis. For purposes of this
837 section, a local government may waive the bonding requirement in
838 this paragraph through its program or on a case-by-case basis
839 upon request of the applicant.

840 (8) For purposes of this section, an applicant has a vested
841 right in a preliminary plat that has been approved by a

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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.

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