

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER

1 Committee/Subcommittee hearing bill: Commerce Committee  
2 Representative Sapp offered the following:

3  
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

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

8 163.3169 Using qualified contractors in development order  
9 preapplication review.-

10 (1) LEGISLATIVE FINDINGS.-

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

15 (b) The Legislature further recognizes that numerous local  
16 governments implement innovative planning and development

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17 strategies by using the private sector to supplement the needs  
18 of government and to keep pace with increasing populations,  
19 unmet demands for housing, and continuing budget constraints. To  
20 continue meeting future growth demands, all local governments  
21 shall use all available resources to ensure that private  
22 property owners seeking to build or develop the next generation  
23 of this state's housing supply are not burdened by limited local  
24 government workforces and can by right use a qualified  
25 contractor from the private sector to responsibly review  
26 applications as submitted and authorized under this section.

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

28 (a) "Applicant" means a person or legal entity having a  
29 legal or equitable ownership interest in real property, or an  
30 authorized agent acting on behalf of such person or entity, that  
31 applies for a land development approval from the local  
32 government pursuant to this section.

33 (b) "Application" means a properly completed and submitted  
34 request for a permit as defined herein, on behalf of an  
35 applicant, which includes an affidavit from a qualified  
36 contractor as required by this section. The term does not  
37 include plans or permits as reviewed under s. 553.791.

38 (c) "Audit" means a limited, post-submittal verification  
39 process conducted solely to confirm that a qualified  
40 contractor's preapplication review supports the findings in the  
41 required affidavit, demonstrate that the review was performed in

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42 accordance with the normal and customary professional practices  
43 for the applicable discipline, and ensure that the affidavit's  
44 findings are supported by the application.

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

52 (e) "Development services official" means the individual  
53 in the development services office of the governing jurisdiction  
54 who is responsible for the direct regulatory administration or  
55 supervision of the review and approval process required to  
56 indicate compliance with applicable land development  
57 regulations. The term includes any duly authorized designee of  
58 such person. This individual may be the executive director of  
59 the governing body of a local government or the division  
60 director of the local government's planning and zoning  
61 department.

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

63 (g) "Governing body" has the same meaning as in s.  
64 163.3164.

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65 (h) "Land development regulations" has the same meaning as  
66 in s. 163.3164, but excludes building permits and plans subject  
67 to s. 553.791.

68 (i) "Local government" means:

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

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

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

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

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

88 (l) "Preapplication review" means the analysis of a permit  
89 conducted by a qualified contractor to ensure compliance with a

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90 comprehensive plan, chapter 177, and applicable land development  
91 regulations, and which is part of the application as authorized  
92 under this section.

93 (m) "Preliminary plat" means a map or delineated  
94 representation of the subdivision of lands which is a complete  
95 and exact representation of the residential subdivision or  
96 planned community and contains any additional information needed  
97 to comply with the requirements of chapter 177.

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

103 1. An engineer or engineering firm licensed under chapter  
104 471.

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

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

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

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

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

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

118 (3) REQUIREMENTS.—

119 (a) By January 1, 2027, the governing body of a local  
120 government shall create a program by which a development  
121 services office shall authorize an applicant to use a qualified  
122 contractor to conduct a preapplication review of any permits  
123 submitted in an application. The governing body shall establish  
124 the processes by which an applicant may submit an application to  
125 the local government, following a preapplication review  
126 conducted by a qualified contractor. The program must specify,  
127 at a minimum, all of the following:

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

130 2. Minimum requirements for selection as a qualified  
131 contractor for the program, including verification of current  
132 licensure or certification status and review of any adverse  
133 actions, discipline, or restrictions imposed by the applicable  
134 professional licensing board. A local government may consider or  
135 require as criteria for selection or qualification a minimum of  
136 5 years of experience for qualified contractors, but may not  
137 consider or require for selection or qualification geographic  
138 location or any prior or existing work for or with the local  
139 government.

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140 3. The minimum and maximum hourly rates that a qualified  
141 contractor may charge an applicant, comparable to market  
142 averages, as part of the application fee.

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

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

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

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

163 (e) This section may not be construed to waive, limit, or  
164 otherwise affect any requirement of the Consultants' Competitive

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165 Negotiation Act pursuant to s. 287.055 or a local government's  
166 duly adopted procurement process.

167 (4) REGISTRY.—

168 (a) The development services office of a local government  
169 shall establish a registry of at least six qualified  
170 contractors. If the minimum requirements for the qualified  
171 contractor specified in subparagraph (3)(a)2. are met, the  
172 development services office may add a qualified contractor to  
173 the registry upon such entity's request to be added to the  
174 registry.

175 (b) If, after making reasonable efforts, less than six  
176 qualified contractors are available to be added to the registry,  
177 the development services office must register any willing and  
178 available qualified contractor that meets the requirements of  
179 subparagraph (3)(a)2.

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

185 (d) A local government shall adopt and use standard  
186 contract terms and conditions for agreements with qualified  
187 contractors which are substantially similar in form and  
188 substance to the local government's standard professional  
189 services agreements used for materially similar engagements with

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190 private sector providers. A local government may not draft or  
191 apply contractual terms that impose obligations on qualified  
192 contractors which frustrate, impair, or defeat the legislative  
193 intent of this section.

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

196 (a) If any of the following conditions exists, an  
197 applicant who elects to participate in the program must have the  
198 unconditional right to use a qualified contractor of his or her  
199 choice, as long as the qualified contractor satisfies the  
200 minimum requirements in subparagraph (3) (a)2., for  
201 preapplication review:

202 1. The governing body of a local government fails to  
203 create the program pursuant to subsection (3) before January 1,  
204 2027.

205 2. The development services office of the local government  
206 fails to create the registry as required pursuant to subsection  
207 (4).

208 3. The registry created pursuant to subsection (4) does  
209 not consist of the requisite number of qualified contractors and  
210 the local government has not complied with the requirements of  
211 paragraph (4) (b).

212 (b) The local government may not condition, deny, delay,  
213 or otherwise contest the applicant's selection or use of the  
214 qualified contractor, except upon a written determination

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215 supported by specific, articulable facts stating that the  
216 qualified contractor does not meet the requirements of this  
217 section, or that the qualified contractor has a conflict of  
218 interest with the applicant, as defined in s. 112.312, or under  
219 any stricter conflict of interest standards applicable to the  
220 qualified contractor's professional license or certification.

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

222 (a) The applicant shall have sole discretion to choose a  
223 qualified contractor from the established registry under  
224 subsection (4) to conduct a preapplication review of a permit.  
225 The applicant may not pay the qualified contractor directly.  
226 Such payment must be made to the local government with the  
227 initial submission of the application. The local government must  
228 ensure the qualified contractor is paid in compliance with the  
229 Local Government Prompt Payment Act under part VII of chapter  
230 218.

231 (b) If an applicant uses a qualified contractor for the  
232 purposes of conducting a preapplication review, the local  
233 government must reduce any application fee by the amount of cost  
234 savings realized by the development services office for not  
235 having to perform such services. Such reduction may be  
236 calculated on a flat fee or percentage basis, or any other  
237 reasonable means by which a development services office assesses  
238 the cost for its application review. The reduction in the  
239 application fee does not relieve the applicant of responsibility

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240 for payment of the qualified contractor's fees as required in  
241 paragraph (a). Any application or administrative fee imposed  
242 under this section must be reasonably related to the actual cost  
243 incurred by the local government in administering the  
244 application and processing.

245 (c) If an applicant uses a qualified contractor to conduct  
246 a preapplication review, the development services office must  
247 provide the qualified contractor with access to the public  
248 records and information reasonably necessary to perform the  
249 preapplication review. This paragraph does not authorize the  
250 disclosure of records that are confidential or exempt from  
251 public inspection or copying under chapter 119 or any other  
252 applicable law, and access to such records is provided only to  
253 the extent permitted by law. This paragraph may not be construed  
254 to require a local government to violate the licensing terms of  
255 proprietary software or related vendor agreements.

256 (d)1. If an applicant does not use a qualified contractor  
257 pursuant to this section, the local government must conduct any  
258 requested preapplication review within the applicable timeframes  
259 under ss. 125.022 and 166.033, to the extent those sections  
260 apply to the type of preapplication review requested. If the  
261 local government fails to process the application within the  
262 required timeframes, the applicant may use a qualified  
263 contractor from the registry at the sole expense of the local  
264 government if the qualified contractor does not have a conflict

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265 of interest in reviewing the permits, plans, or plats, including  
266 final and preliminary, subject to the preapplication review and  
267 otherwise meets the requirements of this section.

268 2. If the applicant uses a qualified contractor for  
269 preapplication review pursuant to this paragraph, such  
270 application must be accepted automatically when the local  
271 government receives an affidavit from the qualified contractor,  
272 and subsection (10) does not apply.

273 (7) RESTRICTIONS ON PREAPPLICATION REVIEW.—A qualified  
274 contractor may conduct preapplication review only for  
275 applications relating to the disciplines covered by such  
276 qualified contractor's licensure or certification granted  
277 pursuant to chapter 471, chapter 472, or chapter 481, or as  
278 certified by the American Institute of Certified Planners,  
279 including single-trade review. A qualified contractor may not  
280 conduct a preapplication review pursuant to this section if the  
281 qualified contractor is used by the applicant for the same  
282 project that is the subject of the application, or has a  
283 conflict of interest pursuant to s. 112.312.

284 (8) AFFIDAVIT REQUIREMENTS.—

285 (a) A qualified contractor performing a preapplication  
286 review must determine whether the application is in compliance  
287 with all applicable land development regulations, comprehensive  
288 plan regulations, ordinances, and codes of the governing  
289 jurisdiction. The qualified contractor shall work directly with

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290 the applicant to resolve any deficiencies. Upon making the  
291 determination that the application complies with all relevant  
292 land development regulations, comprehensive plan regulations,  
293 ordinances, and codes, the qualified contractor shall prepare an  
294 affidavit certifying that the following information is true and  
295 correct to the best of the qualified contractor's knowledge and  
296 belief:

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

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

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

308 (9) AUTHORIZATION AND APPROVAL.—

309 (a) Upon receipt of an application accompanied by an  
310 affidavit of the qualified contractor pursuant to subsection  
311 (8), the development services office must review and accept the  
312 application as administratively complete or reject such  
313 application as administratively incomplete.

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314 (b) Upon a finding that the application is  
315 administratively complete, the development services office  
316 shall, by the following business day, forward the application  
317 for final action by the appropriate approving authority or, if  
318 approval is delegated to an employee within the development  
319 services office, proceed with final action in accordance with  
320 this section and ss. 125.022 and 166.033.

321 (c) If the development services office determines that an  
322 application submitted pursuant to this subsection is  
323 administratively incomplete, the office must provide written  
324 notice to the applicant specifically identifying any aspects of  
325 the application which do not comply with this section;  
326 applicable land development regulations; or comprehensive plan  
327 regulations, ordinances, or codes, and the reasons the  
328 application was denied with reference to code chapters and  
329 sections, within 10 business days after receipt of the  
330 application and affidavit. If the development services office  
331 does not provide written notice to the permit applicant within  
332 10 business days, the application shall be deemed  
333 administratively complete as a matter of law solely for purposes  
334 of acceptance, routing, and processing, and the development  
335 services office must, by the following business day, forward the  
336 application for final action to the appropriate approving  
337 authority or, if the development services office is the  
338 approving authority, proceed to final action in accordance with

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339 this section and ss. 125.022 and 166.033. An application  
340 determined to be administratively complete under this paragraph  
341 does not constitute substantive approval of the permit submitted  
342 and may not be construed to limit the authority to grant or deny  
343 the application consistent with this section; however, the  
344 development services office may not conduct any duplicative  
345 review of the permit subject to preapplication review except as  
346 expressly authorized by this section.

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

354 (10) CONSTRUCTION.—Any local provision or action  
355 inconsistent with this section is preempted, void, and  
356 unenforceable to the extent of the inconsistency, and this  
357 section shall control and be given full force and effect over  
358 any conflicting or more stringent provision of law, whether  
359 general, special, or local, including any charter or home rule  
360 provision, without regard to the order or time of enactment.

361 (11) DISCIPLINARY GUIDANCE.—When performing a  
362 preapplication review, a qualified contractor is subject to the  
363 disciplinary guidelines of the applicable professional board

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364 with jurisdiction over his or her license or certification under  
365 chapter 471, chapter 472, or chapter 481. Notwithstanding the  
366 audit procedures in subsection (12), any complaint investigation  
367 or discipline that may arise out of a qualified contractor's  
368 preapplication review shall be conducted by the applicable  
369 professional board. Complaints regarding conflicts of interest  
370 or other ethical violations shall be reviewed as provided in  
371 chapter 112.

372 (12) AUDIT PROCEDURES.—A local government may audit the  
373 work of a qualified contractor performing preapplication review  
374 under this section pursuant to procedures established by the  
375 local government. Such procedures must be reasonable, applied in  
376 a nondiscriminatory manner, and made publicly available. A  
377 qualified contractor must be provided written notice of any  
378 audit findings and a reasonable opportunity to respond. Nothing  
379 in this subsection limits a local government's authority to  
380 enforce contract terms, address conflicts of interest, remove a  
381 qualified contractor from participation in the program, or take  
382 action necessary to protect the public health, safety, or  
383 welfare. An audit under this section may not replicate, redo, or  
384 substitute for the preapplication review performed by the  
385 qualified contractor and may not go beyond the scope of  
386 verifying performance, customary practice, and evidentiary  
387 support, unless expressly authorized by this section.

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388 (13) PREAPPLICATION REVIEW FOR SPECIFIED ENTITIES.—

389 Notwithstanding any other law, a county, a municipality, a  
390 school district, or an independent special district may use a  
391 qualified contractor to provide preapplication review for a  
392 public works project by the county, municipality, school  
393 district, or independent special district.

394 (14) CIVIL ACTIONS AUTHORIZED.—

395 (a) An applicant may bring a civil action for declaratory  
396 or injunctive relief against a county or municipality for a  
397 violation of this section. In any such action, the court shall  
398 award the prevailing party reasonable attorney fees and costs.  
399 For purposes of this paragraph, the term "prevailing party"  
400 means the party that obtains an enforceable judgment, order, or  
401 comparable court-sanctioned relief on the merits which  
402 materially alter the legal relationship of the parties in that  
403 party's favor, including the granting of declaratory or  
404 injunctive relief or the dismissal with prejudice of the  
405 opposing party's claims. The term does not include a party whose  
406 objectives are achieved solely by the voluntary cessation of  
407 challenged conduct absent a judicial determination or other  
408 relief bearing the court's imprimatur. If neither party prevails  
409 on the significant issues, or if both parties prevail in part,  
410 the court may determine that no party is the prevailing party  
411 and may equitably apportion fees and costs.

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

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

416 2. The local government complies with this section within  
417 14 days or completes a preapplication review for the applicant  
418 that has submitted written notice of a violation of this section  
419 within 14 days.

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

422 177.071 Administrative approval of plats or replats by  
423 designated county or municipal official.—

424 (1)

425 (c) A local government may not create, establish, or apply  
426 any additional local procedure or condition for the  
427 administrative approval of a plat or replat under this section  
428 that is inconsistent with this section or s. 177.091. If  
429 infrastructure financial assurances are required as a condition  
430 of plat or replat approval, the administrative authority  
431 designated in paragraph (a) shall receive and act upon the  
432 proposed assurance. The local government shall accept commonly  
433 used forms of financial assurance, including performance bonds,  
434 letters of credit, and escrow agreements, provided the assurance  
435 is in a form reasonably acceptable to the local government and  
436 issued by a financially responsible issuer meeting objective,

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437 uniformly applied standards. Local government review of such  
438 financial assurance shall be limited to verifying that the  
439 amount, form, and issuer satisfy the requirements of s. 177.091  
440 and the local government's uniformly applied standards, and may  
441 not be used to unreasonably delay approval. If the assurance is  
442 deficient, the local government shall provide written notice of  
443 deficiencies within 10 business days.

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

450 177.073 Expedited approval of residential building permits  
451 before a final plat is recorded.—

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

453 (a) "Applicant" means a homebuilder or developer who files  
454 an application with the local governing body to identify the  
455 percentage of planned homes, or the number of building permits,  
456 that the local governing body must issue for a residential  
457 subdivision, or one or more phases in a multiphased planned  
458 community, subdivision, or planned community.

459 (2) (a) By October 1, 2024, the governing body of a county  
460 that has 75,000 residents or more and any governing body of a  
461 municipality that has 10,000 residents or more and 25 acres or

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462 more of contiguous land that the local government has designated  
463 in the local government's comprehensive plan and future land use  
464 map as land that is agricultural or to be developed for  
465 residential purposes shall create a program to expedite the  
466 process for issuing building permits for residential  
467 subdivisions, one or more phases of a community or subdivision,  
468 or planned communities in accordance with the Florida Building  
469 Code and this section before a final plat is recorded with the  
470 clerk of the circuit court. The expedited process must include  
471 an application for an applicant to identify the percentage of  
472 planned homes, not to exceed 50 percent of the residential  
473 subdivision or planned community, or the number of building  
474 permits that the governing body must issue for the residential  
475 subdivision or planned community. The application or the local  
476 government's final approval may not alter or restrict the  
477 applicant from receiving the number of building permits  
478 requested, so long as the request does not exceed 50 percent of  
479 the planned homes of the residential subdivision or planned  
480 community or the number of building permits. This paragraph does  
481 not:

482 1. Restrict the governing body from issuing more than 50  
483 percent of the building permits for the residential subdivision  
484 or planned community.

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

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

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

501           a. The applicant shall have an unconditional, self-  
502 executing right to use a qualified contractor of the applicant's  
503 choosing, within the scope of the contractor's professional  
504 licensure and as authorized under s. 177.073, to perform  
505 technical review and certification necessary to support the  
506 issuance of up to 75 percent of the building permits for the  
507 residential subdivision or planned community, including one or  
508 more phases thereof, before the final plat is recorded, provided  
509 the qualified contractor does not have a conflict of interest.

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510 For the purposes of this paragraph, the term "conflict of  
511 interest" has the same meaning as in s. 112.312.

512 b. The governing body, local building official, and any  
513 local government staff may not condition, delay, limit,  
514 restrict, obstruct, or deny the applicant's use of a qualified  
515 contractor under this paragraph. Nothing in this paragraph  
516 prohibits a local government from applying neutral, generally  
517 applicable requirements relating to procurement, contracting,  
518 insurance, indemnification, conflict-of-interest review,  
519 credential verification, recordkeeping, or public safety,  
520 provided such requirements do not materially impair or frustrate  
521 the applicant's ability to use a qualified contractor as  
522 authorized by this paragraph. Any local requirement that  
523 directly conflicts with this paragraph is preempted to the  
524 extent of the conflict.

525 c. The qualified contractor may perform all technical  
526 review services within the scope of his or her licensure and  
527 qualifications which are necessary to obtain such building  
528 permits as specifically authorized under this section, including  
529 preparing, reviewing, and submitting permit applications and  
530 supporting plans, specifications, and documents, and providing  
531 signed and sealed documents when required by law. The local  
532 building official shall accept such submissions when prepared  
533 and sealed by the qualified contractor as meeting any local  
534 requirement that the submission be prepared or reviewed by local

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535 government staff, and shall review and issue the permits in  
536 accordance with the Florida Building Code and applicable state  
537 law. Nothing in this paragraph limits the authority of the local  
538 building official to review such submission by a qualified  
539 contractor for compliance with the Florida Building Code and  
540 applicable state law, to identify deficiencies, or to approve or  
541 deny the permit in accordance with the law.

542 d. The governing body and the local building official may  
543 not unreasonably require the applicant or the qualified  
544 contractor to use a local government registry, rotation, or  
545 shortlist, or any other selection or vetting process, which has  
546 the effect of denying or materially delaying the applicant's use  
547 of a qualified contractor under this section..

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

557 2. This paragraph may not be construed to limit or impair  
558 the authority of the local building official to enforce the  
559 Florida Building Code, the Florida Fire Prevention Code, or

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560 other applicable state laws and local laws of general  
561 application in reviewing and issuing building permits; however,  
562 the governing body and the local building official may not  
563 impose any additional local procedures, prerequisites, or  
564 substantive standards on the applicant or the qualified  
565 contractor which have the effect of conditioning, delaying,  
566 restricting, or denying the use of a qualified contractor as  
567 authorized by this paragraph.

568 (3) A governing body shall create:

569 (a) A two-step application process for the adoption of a  
570 preliminary plat, and for stabilized access roads that can  
571 support emergency vehicles, inclusive of any plans, in order to  
572 expedite the issuance of building permits under this section.  
573 The application must allow an applicant to identify the  
574 percentage of planned homes or the number of building permits  
575 that the governing body must issue for the residential  
576 subdivision, ~~or~~ planned community, or one or more phases of a  
577 multiphased planned community or subdivision.

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

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

595 (c) If a governing body fails to establish or maintain the  
596 registry required under paragraph (b), an applicant may, at its  
597 sole discretion, retain a private provider or qualified  
598 contractor of the applicant's choosing to process, review, and  
599 expedite any application for a preliminary plat, or supporting  
600 documents, provided that the selected private provider or  
601 qualified contractor does not have a conflict of interest. For  
602 purposes of this paragraph, the term "conflict of interest" has  
603 the same meaning as in s. 112.312. If a conflict of interest is  
604 identified after selection, the applicant must promptly replace  
605 the private provider or qualified contractor with one that does  
606 not have a conflict of interest, and the governing body must  
607 continue processing without delay or prejudice.

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

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

630       (b) The applicant provides proof to the governing body  
631 that the applicant has provided a copy of the approved  
632 preliminary plat, along with the approved plans, to the relevant

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633 electric, gas, water, and wastewater utilities. For purposes of  
634 this paragraph, the term "approved plans" means plans approved  
635 for design and permit review and does not include, and may not  
636 be construed to require or imply, any certification,  
637 attestation, or confirmation of the completion of construction  
638 of any subdivision or planned community infrastructure, or  
639 improvements depicted in, referenced by, or required under such  
640 plans, except for the construction of the minimum access and  
641 roadway improvements required by the Florida Fire Prevention  
642 Code for fire department access and operations, such as a  
643 stabilized roadway for emergency access. No other subdivision or  
644 planned community infrastructure or improvements may be required  
645 to be constructed as a condition of permit issuance or approval.

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

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

653 b. The submission, acceptance, or approval of any  
654 certification of completion or similar documentation, including,  
655 but not limited to, certificates of completion, substantial  
656 completion, engineer's or architect's certifications of  
657 completion, as-built or record drawings, pressure or compaction

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658 test results, utility acceptance letters, service availability  
659 letters, or similar confirmations of finished construction or  
660 readiness for service; or

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

664 2. This prohibition applies notwithstanding any ordinance,  
665 resolution, policy, practice, development order, permit  
666 condition, concurrency or proportionate-share requirement,  
667 development agreement, interlocal agreement, utility policy or  
668 standard, or other local requirement to the contrary.

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

677 (c) The applicant holds a valid performance bond for up to  
678 130 percent of the necessary improvements, as defined in s.  
679 177.031(9), that have not been completed upon submission of the  
680 application under this section. For purposes of a master planned  
681 community as defined in s. 163.3202(5)(b), a valid performance  
682 bond is required on a phase-by-phase basis. For purposes of this

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683 section, a local government may waive the bonding requirement in  
684 this paragraph through its program or on a case-by-case basis  
685 upon request of the applicant.

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

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

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

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

697

698

699 **T I T L E A M E N D M E N T**

700 Remove everything before the enacting clause and insert:

701 An act relating to local land planning and  
702 development; creating s. 163.3169, F.S.; providing  
703 legislative findings; defining terms; requiring the  
704 governing body of a local government, by a specified  
705 date, to create a program that authorizes an applicant  
706 to use a qualified contractor to conduct a  
707 preapplication review of an application; requiring the

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708 governing body to establish certain processes;  
709 providing specifications for such program; prohibiting  
710 certain additional requirements; requiring a local  
711 government to deem an application that satisfies  
712 specified provisions administratively complete for  
713 certain purposes; prohibiting the program from  
714 imposing additional terms, conditions, or duplicative  
715 review processes; providing that the program may allow  
716 for the review of ownership authorizations for the  
717 development of the property; providing construction;  
718 requiring the development services office of a local  
719 government to establish a registry of a specified  
720 number of qualified contractors to conduct  
721 preapplication reviews; authorizing the development  
722 services office of a local government to register more  
723 or less than the specified number of qualified  
724 contractors under certain circumstances; authorizing a  
725 local government to enter into an agreement with  
726 another local government under certain circumstances;  
727 prohibiting a local government from adding its own  
728 employees to the registry; requiring a local  
729 government to use certain contract terms and  
730 conditions; prohibiting a local government from  
731 drafting or applying contractual terms that impose  
732 certain obligations on qualified contractors;

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733 requiring an applicant to have the right to use a  
734 qualified contractor of his or her choosing to perform  
735 the preapplication review under certain circumstances;  
736 prohibiting a local government from conditioning,  
737 denying, delaying, or otherwise contesting an  
738 applicant's selection or use of a qualified contractor  
739 of his or her choosing, except upon a certain  
740 determination; providing that an applicant has sole  
741 discretion to choose a qualified contractor from the  
742 registry; specifying requirements for payment to the  
743 qualified contractor; requiring a local government to  
744 reduce any application fee by a certain amount if the  
745 applicant uses a qualified contractor for  
746 preapplication review; specifying requirements for  
747 such fee reduction; requiring fees to be reasonably  
748 related to certain actual costs; requiring a  
749 development services office to provide a qualified  
750 contractor conducting a preapplication review with  
751 access to certain resources; providing construction;  
752 requiring a local government to conduct a  
753 preapplication review within specified timeframes if  
754 the applicant does not use a qualified contractor;  
755 authorizing an applicant to use a qualified contractor  
756 from the registry, at the expense of the local  
757 government, if the local government fails to process

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758 the application in the required time under certain  
759 conditions; providing for the automatic acceptance of  
760 certain applications; authorizing a qualified  
761 contractor to conduct preapplication reviews only of  
762 applications relating to the disciplines covered by  
763 the qualified contractor's licensure; prohibiting a  
764 qualified contractor from conducting a preapplication  
765 review under certain circumstances; requiring a  
766 qualified contractor to determine if an application is  
767 in compliance with specified regulations; requiring a  
768 qualified contractor to work with the applicant to  
769 resolve deficiencies; requiring a qualified contractor  
770 to prepare an affidavit for the preapplication review  
771 upon making a certain determination; specifying  
772 requirements for such affidavit; requiring the  
773 development services office to make a certain  
774 determination on the application upon receipt of such  
775 affidavit; requiring the development services office  
776 to take certain actions upon its determination;  
777 providing that an application determined to be  
778 administratively complete does not constitute  
779 substantive approval of the permit; providing  
780 construction; prohibiting the development services  
781 office from conducting duplicative review of the  
782 permit subject to preapplication review; specifying

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783 the purpose of the development services office's  
784 review; prohibiting the development services office  
785 from re-reviewing materials subject to preapplication  
786 review; providing an exception; providing that  
787 inconsistent local provisions are preempted, void, and  
788 unenforceable; providing construction; providing  
789 disciplinary guidelines; authorizing a local  
790 government to audit the work of qualified contractors;  
791 specifying requirements for such auditing procedures;  
792 providing construction; authorizing specified entities  
793 to provide preapplication reviews for public works  
794 projects; authorizing a civil action; authorizing the  
795 award of attorney fees and costs; defining the term  
796 "prevailing party"; prohibiting the award of attorney  
797 fees, costs, or damages under certain circumstances;  
798 amending s. 177.071, F.S.; prohibiting local  
799 governments from creating, establishing, or applying  
800 specified additional regulations for the approval of a  
801 final plat; requiring a local government to designate  
802 a certain administrative authority to take certain  
803 actions relating to the approval of infrastructure  
804 assurances; requiring a local government to accept  
805 certain forms of surety instruments; providing  
806 requirements for local government review of such  
807 surety instruments; amending s. 177.073, F.S.;

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808 | revising the definition of the term "applicant";  
809 | requiring the governing body of certain local  
810 | governments and counties to include multi-phased  
811 | developments in a program that expedites the process  
812 | for building permits for planned unit developments or  
813 | phases of a community or subdivision; specifying  
814 | automatic actions in the event that the local  
815 | government fails to adopt, update, or modify a certain  
816 | program by a specified date; providing construction;  
817 | requiring a governing body to create a two-step  
818 | application process for stabilized access to roads  
819 | that can support emergency vehicles; revising  
820 | requirements for such application process; authorizing  
821 | an applicant to use a qualified contractor for land  
822 | use approvals under certain circumstances; increasing  
823 | the number of qualified contractors on a specified  
824 | registry; authorizing an applicant to retain a private  
825 | provider or qualified contractor to process, review,  
826 | and expedite an application for a preliminary plat or  
827 | related plans under certain circumstances; defining  
828 | the term "conflict of interest"; requiring an  
829 | applicant to replace a qualified contractor or private  
830 | provider if a conflict of interest is discovered;  
831 | prohibiting a governing body from restricting an  
832 | applicant's use of a private provider or qualified

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833 contractor; requiring the governing body to accept,  
834 process, and act upon the such private provider's or  
835 qualified contractor's reviews, approvals,  
836 recommendations, or certifications under certain  
837 circumstances and in a specified manner; authorizing a  
838 governing body to take certain actions; prohibiting a  
839 governing body from imposing certain requirements;  
840 requiring an applicant to be responsible for certain  
841 fees and costs; voiding and preempting conflicting  
842 provisions; defining the term "approved plans";  
843 providing construction; prohibiting a local government  
844 from conditioning, delaying, withholding, or denying  
845 the issuance of certain permits under certain  
846 circumstances; providing applicability; providing  
847 construction; authorizing a local government to waive  
848 certain bonding requirements under certain  
849 circumstances; revising the circumstances under which  
850 an applicant has a vested right in a preliminary plat;  
851 providing an effective date.