



249874

LEGISLATIVE ACTION

Senate

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House

The Committee on Rules (Massullo) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

125.022 Development permits and orders; development
preapplication consulting services program required.-

(1) (a) By January 1, 2027, each county with a population of
75,000 or greater shall create and implement a program for the
purpose of making available development preapplication



249874

12 consultation services at an applicant's request. This subsection
13 may not be construed to affect or require the modification of a
14 county program that makes available the same or substantially
15 similar development preapplication consulting services to an
16 applicant for a development permit or development order,
17 including a program that requires mandatory preapplication
18 meetings for specified types of developments, if such county
19 program exists on or before July 1, 2026.

20 1. The preapplication consultation services authorized in
21 this subsection are limited to those applications for permits as
22 defined in s. 163.3169.

23 2. The county may use a qualified contractor or a qualified
24 contractor firm as defined in s. 163.3169 to fulfill the
25 preapplication consultation services required in this
26 subsection.

27 (b) A development preapplication consultation services
28 program must, at minimum, provide all of the following:

29 1. The minimum information that must be submitted in an
30 application for a permit as defined in s. 163.3169.

31 2. The review and precertification of completeness of the
32 application and all related documents, including site
33 engineering plans or site plans or their functional equivalent,
34 or plats, and their compliance with all relevant existing land
35 development regulations.

36 (c) If an applicant chooses to use the development
37 preapplication consultation services program, the county, upon
38 receipt of the proposed development application, shall confirm
39 receipt, verify completeness, and issue a written notification
40 to the applicant indicating that all required information has



249874

41 been submitted, or specify in writing with particularity any
42 deficiencies in the application, within 5 business days. If the
43 application is deficient, the applicant has 30 days to address
44 the deficiencies by submitting the required additional
45 information. If the county fails to issue the written
46 notification within 5 business days, the application is deemed
47 complete by operation of law without conditions, and the county
48 must process the application as required in paragraph (d).

49 (d)1. Upon receipt of the applicant's completed
50 application, the county must process the application for final
51 action and must approve, approve with conditions, or deny the
52 application within 45 days after submission of a complete
53 application, except the county may not review again those plans
54 specified in subparagraph (b)2.

55 2. If the county fails to take final action to approve,
56 approve with conditions, or deny the application within 45 days,
57 the applicant shall notify the county in writing and if the
58 county fails to respond within 10 days, the application is
59 deemed approved by operation of law without conditions, and the
60 applicant is entitled to proceed with the proposed activity or
61 development as though the county had granted unconditional
62 approval. Approval pursuant to this subparagraph may not be
63 construed to relieve the applicant of the obligation to comply
64 with all other applicable federal, state, and local laws,
65 regulations, and ordinances.

66 (2) If an applicant for a development permit or development
67 order is not eligible, does not request, or elects not to use
68 the county's development preapplication consulting services
69 program pursuant to subsection (1), all of the following



249874

70 requirements shall apply:

71 (a)~~(1)~~ A county shall specify in writing the minimum
72 information that must be submitted in an application for a
73 zoning approval, rezoning approval, subdivision approval,
74 certification, special exception, or variance. A county shall
75 make the minimum information available for inspection and
76 copying at the location where the county receives applications
77 for development permits and orders, provide the information to
78 the applicant at a preapplication meeting, or post the
79 information on the county's website.

80 (b)1.~~(2)~~ Within 5 business days after receiving an
81 application for approval of a development permit or development
82 order, a county shall confirm receipt of the application using
83 contact information provided by the applicant. Within 30 days
84 after receiving an application for approval of a development
85 permit or development order, a county must review the
86 application for completeness and issue a written notification to
87 the applicant indicating that all required information is
88 submitted or specify in writing with particularity any areas
89 that are deficient. If the application is deficient, the
90 applicant has 30 days to address the deficiencies by submitting
91 the required additional information.

92 2. For applications that do not require final action
93 through a quasi-judicial hearing or a public hearing, the county
94 must approve, approve with conditions, or deny the application
95 for a development permit or development order within 120 days
96 after the county has deemed the application complete.

97 3. For applications that require final action through a
98 quasi-judicial hearing or a public hearing, the county must



249874

99 approve, approve with conditions, or deny the application for a
100 development permit or development order within 180 days after
101 the county has deemed the application complete.

102 4. Both parties may agree in writing or in a public meeting
103 or hearing to an extension of time, particularly in the event of
104 a force majeure or other extraordinary circumstance. An
105 approval, approval with conditions, or denial of the application
106 for a development permit or development order must include
107 written findings supporting the county's decision.

108
109 The timeframes contained in this paragraph ~~subsection~~ do not
110 apply in an area of critical state concern, as designated in s.
111 380.0552. The timeframes contained in this paragraph ~~subsection~~
112 restart if an applicant makes a substantive change to the
113 application. As used in this paragraph ~~subsection~~, the term
114 "substantive change" means an applicant-initiated change of 15
115 percent or more in the proposed density, intensity, or square
116 footage of a parcel.

117 (c)1. ~~(3)~~ ~~(a)~~ When reviewing an application for a development
118 permit or development order that is certified by a professional
119 listed in s. 403.0877, a county may not request additional
120 information from the applicant more than three times, unless the
121 applicant waives the limitation in writing.

122 2. ~~(b)~~ If a county makes a request for additional
123 information and the applicant submits the required additional
124 information within 30 days after receiving the request, the
125 county must review the application for completeness and issue a
126 letter indicating that all required information has been
127 submitted or specify with particularity any areas that are



249874

128 deficient within 30 days after receiving the additional
129 information.

130 3.(e) If a county makes a second request for additional
131 information and the applicant submits the required additional
132 information within 30 days after receiving the request, the
133 county must review the application for completeness and issue a
134 letter indicating that all required information has been
135 submitted or specify with particularity any areas that are
136 deficient within 10 days after receiving the additional
137 information.

138 4.(d) Before a third request for additional information,
139 the applicant must be offered a meeting to attempt to resolve
140 outstanding issues. If a county makes a third request for
141 additional information and the applicant submits the required
142 additional information within 30 days after receiving the
143 request, the county must deem the application complete within 10
144 days after receiving the additional information or proceed to
145 process the application for approval or denial unless the
146 applicant waived the county's limitation in writing as described
147 in subparagraph 1. paragraph (a).

148 5.(e) Except as provided in subsection (4) subsection (7),
149 if the applicant believes the request for additional information
150 is not authorized by ordinance, rule, statute, or other legal
151 authority, the county, at the applicant's request, shall proceed
152 to process the application for approval or denial.

153 (d)(4) A county must issue a refund to an applicant equal
154 to:

155 1.(a) Ten percent of the application fee if the county
156 fails to issue written notification of completeness or written



249874

157 specification of areas of deficiency within 30 days after
158 receiving the application.

159 ~~2.(b)~~ Ten percent of the application fee if the county
160 fails to issue a written notification of completeness or written
161 specification of areas of deficiency within 30 days after
162 receiving the additional information pursuant to subparagraph
163 (c)2. ~~paragraph (3)(b).~~

164 ~~3.(e)~~ Twenty percent of the application fee if the county
165 fails to issue a written notification of completeness or written
166 specification of areas of deficiency within 10 days after
167 receiving the additional information pursuant to subparagraph
168 (c)3. ~~paragraph (3)(e).~~

169 ~~4.(d)~~ Fifty percent of the application fee if the county
170 fails to approve, approves with conditions, or denies the
171 application within 30 days after conclusion of the 120-day
172 timeframe specified in subparagraph (b)2. or the 180-day
173 timeframe specified in subparagraph (b)3. ~~subsection (2).~~

174 ~~5.(e)~~ One hundred percent of the application fee if the
175 county fails to approve, approves with conditions, or denies an
176 application 31 days or more after conclusion of the 120-day
177 timeframe specified in subparagraph (b)2. or the 180-day
178 timeframe specified in subparagraph (b)3. ~~subsection (2).~~

179
180 A county is not required to issue a refund if the applicant and
181 the county agree to an extension of time, the delay is caused by
182 the applicant, or the delay is attributable to a force majeure
183 or other extraordinary circumstance.

184 ~~(e)(5)~~ When a county denies an application for a
185 development permit or development order, the county shall give



249874

186 written notice to the applicant. The notice must include a
187 citation to the applicable portions of an ordinance, rule,
188 statute, or other legal authority for the denial of the permit
189 or order.

190 ~~(3)(6)~~ As used in this section, the terms "development
191 permit" and "development order" have the same meaning as in s.
192 163.3164, but do not include building permits.

193 ~~(4)(7)~~ For any development permit application filed with
194 the county after July 1, 2012, a county may not require as a
195 condition of processing or issuing a development permit or
196 development order that an applicant obtain a permit or approval
197 from any state or federal agency unless the agency has issued a
198 final agency action that denies the federal or state permit
199 before the county action on the local development permit.

200 ~~(5)(8)~~ Issuance of a development permit or development
201 order by a county does not in any way create any rights on the
202 part of the applicant to obtain a permit from a state or federal
203 agency and does not create any liability on the part of the
204 county for issuance of the permit if the applicant fails to
205 obtain requisite approvals or fulfill the obligations imposed by
206 a state or federal agency or undertakes actions that result in a
207 violation of state or federal law. A county shall attach such a
208 disclaimer to the issuance of a development permit and shall
209 include a permit condition that all other applicable state or
210 federal permits be obtained before commencement of the
211 development.

212 ~~(6)(9)~~ This section does not prohibit a county from
213 providing information to an applicant regarding what other state
214 or federal permits may apply.



249874

215 Section 2. Section 163.3169, Florida Statutes, is created
216 to read:

217 163.3169 Using qualified contractors in development order
218 preapplication review.-

219 (1) DEFINITIONS.-As used in this section, the term:

220 (a) "Applicant" means a person or legal entity having a
221 legal or equitable ownership interest in real property, or an
222 authorized agent acting on behalf of such person or entity,
223 which applies for a land development approval from the local
224 government pursuant to this section.

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

230 (c) "Conflict of interest" has the same meaning as in s.
231 112.312 and includes conflicts of interest recognized under
232 applicable licensing or certification standards applicable to
233 the qualified contractor.

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

241 (e) "Development services official" means the individual in
242 the development services office of the governing jurisdiction
243 who is responsible for the direct regulatory administration or



249874

244 supervision of the review and approval process required to
245 indicate compliance with applicable land development
246 regulations. The term includes any duly authorized designee of
247 such person. This individual may be the executive director of
248 the governing body of a local government or the division
249 director of the local government's planning and zoning
250 department.

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

252 (g) "Governing body" has the same meaning as in s.
253 163.3164.

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

257 (i) "Local government" means:

258 1. A county that has 75,000 or more residents, but does not
259 include a county subject to s. 380.0552; or

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

261 (j) "Permit" means an authorization, approval, or grant by
262 a local governing body which authorizes the development of land
263 for any site plan or development plan approval, or any
264 subdivision approval, as defined in this section.

265 (k) "Plans" has the same meaning as in s. 177.073.

266 (l) "Plat or replat" has the same meaning as in s.
267 177.031(14).

268 (m) "Preapplication review" means the analysis of a permit
269 conducted by a qualified contractor to ensure compliance with a
270 comprehensive plan, chapter 177, and applicable land development
271 regulations, and which is part of the application as authorized
272 under this section.



249874

273 (n) "Preliminary plat" has the same meaning as in 177.073.

274 (o) "Qualified contractor" means the individual or firm
275 that has demonstrated knowledge of and experience with the types
276 of permits or development approvals specified in this section.
277 The term includes, but is not limited to, any of the following:

278 1. An engineer or engineering firm licensed under chapter
279 471.

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

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

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

286 5. A planner certified by the American Institute of
287 Certified Planners with at least 5 years of relevant government
288 experience or at least 10 years of experience as an urban
289 planner if not certified.

290 (p) "Qualified contractor firm" means a business
291 organization, including a corporation, partnership, business
292 trust, or other legal entity, which offers services under this
293 section to the public through licensees who act as agents,
294 employees, officers, or partners of the firm. A person who is
295 licensed as an engineer under chapter 471; a surveyor or mapper
296 licensed under chapter 472; an architect licensed under part I
297 of chapter 481; a landscape architect licensed under part II of
298 chapter 481; or who is certified by the American Institute of
299 Certified Planners with at least 5 years of relevant government
300 experience, or at least 10 years of relevant experience as an
301 urban planner if not certified, may act as a qualified



249874

302 contractor for an agent, employee, or officer of the qualified
303 contractor firm.

304 (q) "Site plan or development plan approval" means a site
305 development proposal, or its functional equivalent, including a
306 modification to an existing development approval, which is
307 expressly designated by the local government for administrative
308 review and approval by local government staff or a designated
309 administrative official, without the requirement of approval by
310 an appointed review board or a governing body and which does not
311 materially increase density, intensity, traffic, infrastructure
312 demand, environmental impacts, or significant offsite impacts,
313 and therefore does not require full site plan review or
314 discretionary policy review. The term includes approvals or
315 permits governed by objective, nondiscretionary standards that
316 are designated by the local government for administrative
317 approval by local government staff or an administrative official
318 and which also includes, but is not limited to approvals or
319 permits related to trees, signs, landscaping, and minor
320 modifications.

321 (r) "Subdivision approval" or its functional equivalent,
322 including a modification, means an administrative review process
323 applicable to the division of land into a limited number of lots
324 which does not create new public streets or require significant
325 public infrastructure improvements and does not materially
326 increase development impacts. The term applies only to approvals
327 expressly designated by the local government for administrative
328 review and approval by local government staff or a designated
329 administrator without the requirement of approval by an
330 appointed review board or a governing body. A subdivision



249874

331 qualifies under this definition if it involves a number of lots
332 as specified by the local government, complies with all
333 applicable zoning, dimensional, access utility, and
334 environmental standards, and can be served by existing public
335 facilities or approved private systems, allowing the subdivision
336 to be reviewed for compliance with objective standards of land
337 development code and approved by local government staff or a
338 designated administrative official without requiring
339 discretionary policy determinations.

340 (2) REGISTRY.-

341 (a) By January 1, 2027, a local government shall establish
342 a registry of at least four qualified contractors or two
343 qualified contractor firms which the governing body shall use to
344 supplement the local government's staff resources in ways
345 determined by the governing body upon the written request by an
346 applicant for fulfilling:

347 1. The preapplication consultation services for permits
348 under s. 125.022(1) and s. 166.033(1);

349 2. The requirements of s. 177.073 for processing and
350 expediting the review of an application for a preliminary plat
351 or any plans related to such application; or

352 3. The requirements of s. 177.071 requiring the
353 administrative approval of a plat or replat.

354 (b) A qualified contractor or a qualified contractor firm
355 on the registry which is hired pursuant to this section may not
356 have a conflict of interest. If a prohibitive conflict of
357 interest exists, the applicant may use an otherwise qualified
358 contractor.

359 (c) A local government may enter into an agreement with



249874

360 another local government for the purpose of using public
361 employees who meet the requirements for a qualified contractor
362 to satisfy the minimum numerical requirements for qualified
363 contractors for the registry. A local government may not add its
364 own employees to its own registry.

365 (d) If a local government fails to establish or maintain
366 the registry, an applicant may, at its sole discretion, retain a
367 qualified contractor or a qualified contractor firm of the
368 applicant's choosing to provide preapplication consultation
369 services, provided that the selected qualified contractor or
370 qualified contractor firm does not have a conflict of interest.
371 If a conflict of interest is identified after selection, the
372 applicant must promptly replace the qualified contractor or
373 qualified contractor firm with one that has no conflict of
374 interest.

375 (e) The local government may not condition, deny, or delay
376 the applicant's selection or use of such qualified contractor or
377 qualified contractor firm, and the applicant is responsible for
378 all fees and costs associated with the qualified contractor or
379 qualified contractor firm used in this manner.

380 (f) If an applicant uses a qualified contractor or a
381 qualified contractor firm for such purpose, the local government
382 must provide access to public records and information reasonably
383 necessary to perform preapplication consultation services. This
384 paragraph does not authorize the disclosure of records that are
385 confidential or exempt from public inspection or copying under
386 chapter 119 or any other applicable law, and access to such
387 records is provided only to the extent permitted by law. This
388 paragraph may not be construed to require a local government to



249874

389 violate the licensing terms of proprietary software or related
390 vendor agreements.

391 Section 3. Section 166.033, Florida Statutes, is amended to
392 read:

393 166.033 Development permits and orders; development
394 preapplication consulting services program required.-

395 (1) (a) By January 1, 2027, each municipality with a
396 population of 10,000 or greater shall create and implement a
397 program for the purpose of making available development
398 preapplication consultation services at an applicant's request.

399 This subsection may not be construed to affect or require the
400 modification of a municipal program that makes available the
401 same or substantially similar development preapplication
402 consulting services to an applicant for a development permit or
403 development order, including a program that requires mandatory
404 preapplication meetings for specified types of developments, if
405 such municipal program exists on or before July 1, 2026.

406 1. The preapplication consultation services authorized in
407 this subsection are limited to those applications for permits as
408 defined in s. 163.3169.

409 2. The municipality may use a qualified contractor or a
410 qualified contractor firm as defined in s. 163.3169 to fulfill
411 the preapplication consultation services required in this
412 subsection.

413 (b) A development preapplication consultation services
414 program must, at minimum, provide all of the following:

415 1. The minimum information that must be submitted in an
416 application for a permit as defined in s. 163.3169.

417 2. The review and precertification of completeness of the



418 application and all related documents, including site
419 engineering plans or site plans or their functional equivalent,
420 or plats, and their compliance with all relevant existing land
421 development regulations.

422 (c) If an applicant chooses to use the development
423 preapplication consultation services program, the municipality,
424 upon receipt of the proposed development application, shall
425 confirm receipt, verify completeness, and issue a written
426 notification to the applicant indicating that all required
427 information has been submitted, or specify in writing with
428 particularity any deficiencies within 5 business days. If the
429 application is deficient, the applicant has 30 days to address
430 the deficiencies by submitting the required information. If the
431 municipality fails to issue the written notification within 5
432 business days, the application is deemed complete by operation
433 of law without conditions, and the municipality must process the
434 application as required in paragraph (d).

435 (d)1. Upon receipt of the applicant's completed
436 application, the municipality must process the application for
437 final action and must approve, approve with conditions, or deny
438 the application within 45 days after submission of a complete
439 application, except the municipality may not review again those
440 plans specified in subparagraph (b)2.

441 2. If the municipality fails to take final action to
442 approve, approve with conditions, or deny the application within
443 the 45 days, the applicant shall notify the municipality in
444 writing. If the municipality fails to respond within 10 days,
445 the application is deemed approved by operation of law without
446 conditions, and the applicant is entitled to proceed with the



249874

447 proposed activity or development as though the municipality had
448 granted unconditional approval. Approval pursuant to this
449 subparagraph may not be construed to relieve the applicant of
450 the obligation to comply with all other applicable federal,
451 state, and local laws, regulations, and ordinances.

452 (2) If an applicant for a development permit or development
453 order is not eligible, does not request, or elects not to use
454 the municipality's development preapplication consulting
455 services program pursuant to subsection (1), all of the
456 following requirements shall apply:

457 (a)~~(1)~~ A municipality shall specify in writing the minimum
458 information that must be submitted for an application for a
459 zoning approval, rezoning approval, subdivision approval,
460 certification, special exception, or variance. A municipality
461 shall make the minimum information available for inspection and
462 copying at the location where the municipality receives
463 applications for development permits and orders, provide the
464 information to the applicant at a preapplication meeting, or
465 post the information on the municipality's website.

466 (b)1.~~(2)~~ Within 5 business days after receiving an
467 application for approval of a development permit or development
468 order, a municipality shall confirm receipt of the application
469 using contact information provided by the applicant. Within 30
470 days after receiving an application for approval of a
471 development permit or development order, a municipality must
472 review the application for completeness and issue a written
473 notification to the applicant indicating that all required
474 information is submitted or specify in writing with
475 particularity any areas that are deficient. If the application



249874

476 is deficient, the applicant has 30 days to address the
477 deficiencies by submitting the required additional information.

478 2. For applications that do not require final action
479 through a quasi-judicial hearing or a public hearing, the
480 municipality must approve, approve with conditions, or deny the
481 application for a development permit or development order within
482 120 days after the municipality has deemed the application
483 complete.

484 3. For applications that require final action through a
485 quasi-judicial hearing or a public hearing, the municipality
486 must approve, approve with conditions, or deny the application
487 for a development permit or development order within 180 days
488 after the municipality has deemed the application complete.

489 4. Both parties may agree in writing or in a public meeting
490 or hearing to an extension of time, particularly in the event of
491 a force majeure or other extraordinary circumstance. An
492 approval, approval with conditions, or denial of the application
493 for a development permit or development order must include
494 written findings supporting the municipality's decision.

495
496 The timeframes contained in this paragraph ~~subsection~~ do not
497 apply in an area of critical state concern, as designated in s.
498 380.0552 or chapter 28-36, Florida Administrative Code. The
499 timeframes contained in this paragraph ~~subsection~~ restart if an
500 applicant makes a substantive change to the application. As used
501 in this paragraph ~~subsection~~, the term "substantive change"
502 means an applicant-initiated change of 15 percent or more in the
503 proposed density, intensity, or square footage of a parcel.

504 (c)1.(3)(a) When reviewing an application for a development



249874

505 permit or development order that is certified by a professional
506 listed in s. 403.0877, a municipality may not request additional
507 information from the applicant more than three times, unless the
508 applicant waives the limitation in writing.

509 2.~~(b)~~ If a municipality makes a request for additional
510 information and the applicant submits the required additional
511 information within 30 days after receiving the request, the
512 municipality must review the application for completeness and
513 issue a letter indicating that all required information has been
514 submitted or specify with particularity any areas that are
515 deficient within 30 days after receiving the additional
516 information.

517 3.~~(e)~~ If a municipality makes a second request for
518 additional information and the applicant submits the required
519 additional information within 30 days after receiving the
520 request, the municipality must review the application for
521 completeness and issue a letter indicating that all required
522 information has been submitted or specify with particularity any
523 areas that are deficient within 10 days after receiving the
524 additional information.

525 4.~~(d)~~ Before a third request for additional information,
526 the applicant must be offered a meeting to attempt to resolve
527 outstanding issues. If a municipality makes a third request for
528 additional information and the applicant submits the required
529 additional information within 30 days after receiving the
530 request, the municipality must deem the application complete
531 within 10 days after receiving the additional information or
532 proceed to process the application for approval or denial unless
533 the applicant waived the municipality's limitation in writing as



249874

534 described in paragraph (a).

535 ~~5.(e)~~ Except as provided in subsection (4) ~~subsection (7)~~,
536 if the applicant believes the request for additional information
537 is not authorized by ordinance, rule, statute, or other legal
538 authority, the municipality, at the applicant's request, shall
539 proceed to process the application for approval or denial.

540 ~~(d)(4)~~ A municipality must issue a refund to an applicant
541 equal to:

542 ~~1.(a)~~ Ten percent of the application fee if the
543 municipality fails to issue written notification of completeness
544 or written specification of areas of deficiency within 30 days
545 after receiving the application.

546 ~~2.(b)~~ Ten percent of the application fee if the
547 municipality fails to issue written notification of completeness
548 or written specification of areas of deficiency within 30 days
549 after receiving the additional information pursuant to
550 subparagraph (c)2. ~~paragraph (3)(b).~~

551 ~~3.(e)~~ Twenty percent of the application fee if the
552 municipality fails to issue written notification of completeness
553 or written specification of areas of deficiency within 10 days
554 after receiving the additional information pursuant to
555 subparagraph (c)3. ~~paragraph (3)(e).~~

556 ~~4.(d)~~ Fifty percent of the application fee if the
557 municipality fails to approve, approves with conditions, or
558 denies the application within 30 days after conclusion of the
559 120-day timeframe specified in subparagraph (b)2. or the 180-day
560 timeframe specified in subparagraph (b)3. ~~subsection (2).~~

561 ~~5.(e)~~ One hundred percent of the application fee if the
562 municipality fails to approve, approves with conditions, or



249874

563 denies an application 31 days or more after conclusion of the
564 120-day timeframe specified in subparagraph (b)2. or the 180-day
565 timeframe specified in subparagraph (b)3. subsection (2).
566

567 A municipality is not required to issue a refund if the
568 applicant and the municipality agree to an extension of time,
569 the delay is caused by the applicant, or the delay is
570 attributable to a force majeure or other extraordinary
571 circumstance.

572 (e)(5) When a municipality denies an application for a
573 development permit or development order, the municipality shall
574 give written notice to the applicant. The notice must include a
575 citation to the applicable portions of an ordinance, rule,
576 statute, or other legal authority for the denial of the permit
577 or order.

578 (3)(6) As used in this section, the terms "development
579 permit" and "development order" have the same meaning as in s.
580 163.3164, but do not include building permits.

581 (4)(7) For any development permit application filed with
582 the municipality after July 1, 2012, a municipality may not
583 require as a condition of processing or issuing a development
584 permit or development order that an applicant obtain a permit or
585 approval from any state or federal agency unless the agency has
586 issued a final agency action that denies the federal or state
587 permit before the municipal action on the local development
588 permit.

589 (5)(8) Issuance of a development permit or development
590 order by a municipality does not create any right on the part of
591 an applicant to obtain a permit from a state or federal agency



249874

592 and does not create any liability on the part of the
593 municipality for issuance of the permit if the applicant fails
594 to obtain requisite approvals or fulfill the obligations imposed
595 by a state or federal agency or undertakes actions that result
596 in a violation of state or federal law. A municipality shall
597 attach such a disclaimer to the issuance of development permits
598 and shall include a permit condition that all other applicable
599 state or federal permits be obtained before commencement of the
600 development.

601 ~~(6)(9)~~ This section does not prohibit a municipality from
602 providing information to an applicant regarding what other state
603 or federal permits may apply.

604 Section 4. Paragraphs (c) and (d) are added to subsection
605 (1) of section 177.071, Florida Statutes, to read:

606 177.071 Administrative approval of plats or replats by
607 designated county or municipal official.—

608 (1)

609 (c) A governing body and its designated administrative
610 authority shall use, upon the written request of the applicant,
611 the registry established in s. 163.3169 to supplement local
612 government staff resources in ways determined by the governing
613 body for processing and expediting the requirements of this
614 section.

615 (d) A local government may not create, establish, or apply
616 any additional local procedure or condition for the
617 administrative approval of a plat or replat under this section
618 which is inconsistent with this section or s. 177.091. If
619 infrastructure financial assurances are required as a condition
620 of plat or replat approval, the administrative authority



249874

621 designated in paragraph (a) must receive and act upon the
622 proposed assurance. The local government shall accept commonly
623 used forms of financial assurance, including performance bonds,
624 letters of credit, and escrow agreements, provided that the
625 assurance is in a form reasonably acceptable to the local
626 government and issued by a financially responsible issuer
627 meeting objective, uniformly applied standards. Local government
628 review of such financial assurance shall be limited to verifying
629 that the amount, form, and issuer satisfy the requirements of s.
630 177.091(8) and (9) and the local government's uniformly applied
631 standards, and may not be used to unreasonably delay approval.
632 If the assurance is deficient, the local government must provide
633 written notice of deficiencies within 10 business days.

634 Section 5. Paragraph (a) of subsection (1), paragraphs (a)
635 and (b) of subsection (2), paragraph (a) of subsection (3),
636 subsection (4), paragraphs (b) and (c) of subsection (6), and
637 subsection (8) of section 177.073, Florida Statutes, are
638 amended, and paragraph (d) is added to subsection (2) of that
639 section, to read:

640 177.073 Expedited approval of residential building permits
641 before a final plat is recorded.—

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

643 (a) "Applicant" means a homebuilder or developer who files
644 an application with the local governing body to identify the
645 percentage of planned homes, or the number of building permits,
646 that the local governing body must issue for a residential
647 subdivision or one or more phases in a multiphased planned
648 community, subdivision, or planned community.

649 (2) (a) By October 1, 2024, the governing body of a county



249874

650 that has 75,000 residents or more and any governing body of a
651 municipality that has 10,000 residents or more and 25 acres or
652 more of contiguous land that the local government has designated
653 in the local government's comprehensive plan and future land use
654 map as land that is agricultural or to be developed for
655 residential purposes shall create a program to expedite the
656 process for issuing building permits for residential
657 subdivisions or one or more phases in a multiphased planned
658 community, subdivision, or planned communities in accordance
659 with the Florida Building Code and this section before a final
660 plat is recorded with the clerk of the circuit court. The
661 expedited process must include an application for an applicant
662 to identify the percentage of planned homes, not to exceed 50
663 percent of the residential subdivision or a planned community,
664 or the number of building permits that the governing body must
665 issue for the residential subdivision or planned community. The
666 application or the local government's final approval may not
667 alter or restrict the applicant from receiving the number of
668 building permits requested, so long as the request does not
669 exceed 50 percent of the planned homes of the residential
670 subdivision or planned community or the number of building
671 permits. This paragraph does not:

672 1. Restrict the governing body from issuing more than 50
673 percent of the building permits for the residential subdivision
674 or planned community.

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

676 (b) Subject to the requirements under paragraph (6)(b), a
677 governing body that had a program in place before July 1, 2023,
678 to expedite the building permit process, need only update its



249874

679 ~~their~~ program to approve an applicant's written application to
680 issue up to 50 percent of the building permits for the
681 residential subdivision or planned community in order to comply
682 with this section. This paragraph does not restrict a governing
683 body from issuing more than 50 percent of the building permits
684 for the residential subdivision or planned community.

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

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

702 b. The governing body, local building official, and any
703 local government staff may not condition, delay, limit,
704 restrict, obstruct, or deny the applicant's use of a qualified
705 contractor under this paragraph. This paragraph does not
706 prohibit a local government from applying neutral, generally
707 applicable requirements relating to procurement, contracting,



249874

708 insurance, indemnification, conflict-of-interest review,
709 credential verification, recordkeeping, or public safety,
710 provided such requirements do not materially impair or frustrate
711 the applicant's ability to use a qualified contractor as
712 authorized by this paragraph. Any local requirement that
713 directly conflicts with this paragraph is preempted to the
714 extent of the conflict.

715 c. The qualified contractor may perform all technical
716 review services within the scope of his or her licensure and
717 qualifications which are necessary to obtain such building
718 permits as specifically authorized under this section, including
719 preparing, reviewing, and submitting permit applications and
720 supporting plans, specifications, and documents, and providing
721 signed and sealed documents when required by law. The local
722 building official must accept such submissions when prepared and
723 sealed by the qualified contractor as meeting any local
724 requirement that the submission be prepared or reviewed by local
725 government staff, and must review and issue the permits in
726 accordance with the Florida Building Code and applicable state
727 law. This paragraph does not limit the authority of the local
728 building official to review such submission by a qualified
729 contractor for compliance with the Florida Building Code and
730 applicable state law, to identify deficiencies, or to approve or
731 deny the permit in accordance with the law.

732 d. The governing body and the local building official may
733 not unreasonably require the applicant or the qualified
734 contractor to use a local government registry, rotation, or
735 shortlist, or any other selection or vetting process, which has
736 the effect of denying or materially delaying the applicant's use



249874

737 of a qualified contractor under this section..

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

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

758 (3) A governing body shall create:

759 (a) A two-step application process for the adoption of a
760 preliminary plat, and for stabilized access roads that can
761 support emergency vehicles, inclusive of any plans, in order to
762 expedite the issuance of building permits under this section.
763 The application must allow an applicant to identify the
764 percentage of planned homes or the number of building permits
765 that the governing body must issue for the residential



249874

766 subdivision, ~~or~~ planned community, or one or more phases of a
767 multiphased planned community or subdivision.

768 (4) (a) An applicant may use a private provider or qualified
769 contractor in the same manner as provided in ~~pursuant to~~ s.
770 553.791 to expedite the application process for building permits
771 after a preliminary plat is approved under this section.

772 (b) A governing body shall, upon the written request of the
773 applicant, use the qualified contractor registry established in
774 s. 163.3169 ~~establish a registry of at least three qualified~~
775 ~~contractors whom the governing body may use to supplement staff~~
776 resources in ways determined by the governing body for
777 processing and expediting the review of an application for a
778 preliminary plat or any plans related to such application. ~~A~~
779 ~~qualified contractor on the registry who is hired pursuant to~~
780 ~~this section to review an application, or any part thereof, for~~
781 ~~a preliminary plat, or any part thereof, may not have a conflict~~
782 ~~of interest with the applicant. For purposes of this paragraph,~~
783 ~~the term "conflict of interest" has the same meaning as in s.~~
784 ~~112.312.~~

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

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



249874

795 design and permit review and does not include, and may not be
796 construed to require or imply, any certification, attestation,
797 or confirmation of the completion of construction of any
798 subdivision or planned community infrastructure, or improvements
799 depicted in, referenced by, or required under such plans, except
800 for the construction of the minimum access and roadway
801 improvements required by the Florida Fire Prevention Code for
802 fire department access and operations, such as a stabilized
803 roadway for emergency access. No other subdivision or planned
804 community infrastructure or improvements may be required to be
805 constructed as a condition of building permit issuance or
806 approval authorized under this section.

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

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

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

822 c. Compliance with an environmental condition which is not
823 required by its land development regulations, a local government



249874

824 comprehensive plan, a regulatory covenant or similar recorded
825 instrument, a decision or order by a local zoning board or other
826 quasi-judicial board, or by state law or federal law to obtain a
827 building permit.

828 2. This prohibition applies notwithstanding any ordinance,
829 resolution, policy, practice, permit condition, concurrency or
830 proportionate-share requirement, interlocal agreement, utility
831 policy or standard, or other local requirement to the contrary.

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

840
841 This paragraph may not be construed to relieve an applicant from
842 completing or installing any infrastructure or improvements as a
843 condition of issuance of a certificate of occupancy.

844 (c) The applicant holds a valid performance bond for up to
845 130 percent of the necessary improvements, as defined in s.
846 177.031(9), that have not been completed upon submission of the
847 application under this section. For purposes of a master planned
848 community as defined in s. 163.3202(5)(b), a valid performance
849 bond is required on a phase-by-phase basis. For purposes of this
850 section, a local government may waive the bond requirement in
851 this paragraph through its program or on a case-by-case basis
852 upon request of the applicant.



249874

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

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

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

863 Section 6. This act shall take effect July 1, 2026.

864

865 ===== T I T L E A M E N D M E N T =====

866 And the title is amended as follows:

867 Delete everything before the enacting clause
868 and insert:

869 A bill to be entitled
870 An act relating to qualified contractors; amending ss.
871 125.022 and 166.033, F.S.; requiring each county and
872 municipality, respectively, of a specified size to
873 create and implement a program for the purpose of
874 making development preapplication consultation
875 services available at an applicant's request;
876 providing that specified provisions may not be
877 construed to affect or require the modification of
878 certain county or municipality programs that make
879 available the same or substantially similar
880 development preapplication consulting services if such
881 county or municipality's program existed before a



882 specified date; limiting such preapplication
883 consultation services to applications for certain
884 permits; authorizing a county or municipality to use a
885 qualified contractor or qualified contractor firm to
886 fulfill specified preapplication services
887 requirements; specifying minimum requirements for a
888 development preapplication consultation services
889 program; requiring a county or municipality to take
890 certain actions if an applicant chooses to use the
891 development preapplication consultation services
892 program; requiring a county or municipality to
893 approve, approve with conditions, or deny an
894 applicant's completed application within a specified
895 timeframe; requiring that an application be deemed
896 approved by operation of law without conditions and
897 proceed in a specified manner if a county or
898 municipality fails to make a certain determination
899 within a specified timeframe; providing construction;
900 specifying that certain requirements apply if an
901 applicant for a development permit or development
902 order is not eligible for, does not request, or elects
903 not to use the county's or municipality's
904 preapplication consulting services program; creating
905 s. 163.3169, F.S.; defining terms; requiring a local
906 government to establish a registry of a specified
907 number of qualified contractors or qualified
908 contractor firms to conduct certain preapplication
909 services; prohibiting a qualified contractor or
910 qualified contractor firm from having a conflict of



249874

911 interest; authorizing an applicant to use a qualified
912 contractor that is not on the registry if a conflict
913 of interest exists; authorizing a local government to
914 enter into a certain agreement with another local
915 government under certain circumstances; prohibiting a
916 local government from adding its own employees to the
917 registry; authorizing an applicant to retain a
918 qualified contractor or qualified contractor firm of
919 his or her choosing for preapplication consultation
920 services under certain circumstances; prohibiting a
921 local government from conditioning, denying, or
922 delaying an applicant's selection or use of a
923 qualified contractor or qualified contractor firm;
924 specifying that the applicant is responsible for all
925 fees and costs associated with using a qualified
926 contractor of his or her choice; requiring a local
927 government to make certain resources available if an
928 applicant uses a qualified contractor or qualified
929 contractor firm of his or her choosing to perform
930 preapplication consultation services; providing an
931 exception; providing construction; amending s.
932 177.071, F.S.; authorizing a governing body to use a
933 specified registry to supplement local government
934 staff resources; prohibiting a local government from
935 creating, establishing, or applying any additional
936 local procedure or condition for the administrative
937 approval of a plat or replat which is inconsistent
938 with specified provisions; authorizing the
939 administrative authority to receive and act upon



249874

940 certain financial assurances; providing requirements
941 for a local government's acceptance of certain
942 financial assurances; amending s. 177.073, F.S.;
943 revising the definition of the term "applicant";
944 requiring the governing body of certain local
945 governments and counties to include certain
946 developments in a program that expedites the process
947 for issuing building permits for planned unit
948 developments or phases of a community or subdivision;
949 specifying automatic actions in the event the local
950 government fails to adopt, update, or modify a certain
951 program by a specified date; defining the term
952 "conflict of interest"; providing construction;
953 requiring a governing body to create a two-step
954 application process for stabilized access roads that
955 can support emergency vehicles; revising requirements
956 for such application process; authorizing an applicant
957 to use a qualified contractor for land use approvals
958 under certain circumstances; authorizing a governing
959 body to use the qualified contractor registry
960 established pursuant to this act to supplement staff
961 resources; deleting provisions prohibiting the use of
962 a qualified contractor with a conflict of interest;
963 defining the term "approved plans"; providing
964 construction; prohibiting a local government from
965 conditioning, delaying, withholding, or denying the
966 issuance of certain permits under certain
967 circumstances; providing applicability; providing
968 construction; authorizing a local government to waive



249874

969 a certain bond requirement under certain
970 circumstances; revising the circumstances under which
971 an applicant has a vested right in a preliminary plat;
972 providing an effective date.