

By the Committees on Rules; and Judiciary; and Senator Massullo

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1 A bill to be entitled
2 An act relating to qualified contractors; amending ss.
3 125.022 and 166.033, F.S.; requiring each county and
4 municipality, respectively, of a specified size to
5 create and implement a program for the purpose of
6 making development preapplication consultation
7 services available at an applicant's request;
8 providing that specified provisions may not be
9 construed to affect or require the modification of
10 certain county or municipality programs that make
11 available the same or substantially similar
12 development preapplication consulting services if such
13 county or municipality's program existed before a
14 specified date; limiting such preapplication
15 consultation services to applications for certain
16 permits; authorizing a county or municipality to use a
17 qualified contractor or qualified contractor firm to
18 fulfill specified preapplication services
19 requirements; specifying minimum requirements for a
20 development preapplication consultation services
21 program; requiring a county or municipality to take
22 certain actions if an applicant chooses to use the
23 development preapplication consultation services
24 program; requiring a county or municipality to
25 approve, approve with conditions, or deny an
26 applicant's completed application within a specified
27 timeframe; requiring that an application be deemed
28 approved by operation of law without conditions and
29 proceed in a specified manner if a county or

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30 municipality fails to make a certain determination
31 within a specified timeframe; providing construction;
32 specifying that certain requirements apply if an
33 applicant for a development permit or development
34 order is not eligible for, does not request, or elects
35 not to use the county's or municipality's
36 preapplication consulting services program; creating
37 s. 163.3169, F.S.; defining terms; requiring a local
38 government to establish a registry of a specified
39 number of qualified contractors or qualified
40 contractor firms to conduct certain preapplication
41 services; prohibiting a qualified contractor or
42 qualified contractor firm from having a conflict of
43 interest; authorizing an applicant to use a qualified
44 contractor that is not on the registry if a conflict
45 of interest exists; authorizing a local government to
46 enter into a certain agreement with another local
47 government under certain circumstances; prohibiting a
48 local government from adding its own employees to the
49 registry; authorizing an applicant to retain a
50 qualified contractor or qualified contractor firm of
51 his or her choosing for preapplication consultation
52 services under certain circumstances; prohibiting a
53 local government from conditioning, denying, or
54 delaying an applicant's selection or use of a
55 qualified contractor or qualified contractor firm;
56 specifying that the applicant is responsible for all
57 fees and costs associated with using a qualified
58 contractor of his or her choice; requiring a local

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59 government to make certain resources available if an
60 applicant uses a qualified contractor or qualified
61 contractor firm of his or her choosing to perform
62 preapplication consultation services; providing an
63 exception; providing construction; providing that
64 specified requirements relating to the use of
65 qualified contractors or qualified contractor firms to
66 perform development preapplication consultation
67 services do not apply to certain property identified
68 within a permit application; providing applicability;
69 providing construction; amending s .177.071, F.S.;
70 authorizing a governing body to use a specified
71 registry to supplement local government staff
72 resources; prohibiting a local government from
73 creating, establishing, or applying any additional
74 local procedure or condition for the administrative
75 approval of a plat or replat which is inconsistent
76 with specified provisions; authorizing the
77 administrative authority to receive and act upon
78 certain financial assurances; providing requirements
79 for a local government's acceptance of certain
80 financial assurances; amending s. 177.073, F.S.;
81 revising the definition of the term "applicant";
82 requiring the governing body of certain local
83 governments and counties to include certain
84 developments in a program that expedites the process
85 for issuing building permits for planned unit
86 developments or phases of a community or subdivision;
87 specifying automatic actions in the event the local

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88 government fails to adopt, update, or modify a certain
89 program by a specified date; defining the term
90 "conflict of interest"; providing construction;
91 requiring a governing body to create a two-step
92 application process for stabilized access roads that
93 can support emergency vehicles; revising requirements
94 for such application process; authorizing an applicant
95 to use a qualified contractor for land use approvals
96 under certain circumstances; authorizing a governing
97 body to use the qualified contractor registry
98 established pursuant to this act to supplement staff
99 resources; deleting provisions prohibiting the use of
100 a qualified contractor with a conflict of interest;
101 defining the term "approved plans"; providing
102 construction; prohibiting a local government from
103 conditioning, delaying, withholding, or denying the
104 issuance of certain permits under certain
105 circumstances; providing applicability; providing
106 construction; authorizing a local government to waive
107 a certain bond requirement under certain
108 circumstances; revising the circumstances under which
109 an applicant has a vested right in a preliminary plat;
110 providing an effective date.

111
112 Be It Enacted by the Legislature of the State of Florida:

113
114 Section 1. Section 125.022, Florida Statutes, is amended to
115 read:

116 125.022 Development permits and orders; development

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117 preapplication consulting services program required.-

118 (1)(a) By January 1, 2027, each county with a population of
119 75,000 or greater shall create and implement a program for the
120 purpose of making available development preapplication
121 consultation services at an applicant's request. This subsection
122 may not be construed to affect or require the modification of a
123 county program that makes available the same or substantially
124 similar development preapplication consulting services to an
125 applicant for a development permit or development order,
126 including a program that requires mandatory preapplication
127 meetings for specified types of developments, if such county
128 program exists on or before July 1, 2026.

129 1. The preapplication consultation services authorized in
130 this subsection are limited to those applications for permits as
131 defined in s. 163.3169.

132 2. The county may use a qualified contractor or a qualified
133 contractor firm as defined in s. 163.3169 to fulfill the
134 preapplication consultation services required in this
135 subsection.

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

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

140 2. The review and precertification of completeness of the
141 application and all related documents, including site
142 engineering plans or site plans or their functional equivalent,
143 or plats, and their compliance with all relevant existing land
144 development regulations.

145 (c) If an applicant chooses to use the development

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146 preapplication consultation services program, the county, upon
147 receipt of the proposed development application, shall confirm
148 receipt, verify completeness, and issue a written notification
149 to the applicant indicating that all required information has
150 been submitted, or specify in writing with particularity any
151 deficiencies in the application, within 5 business days. If the
152 application is deficient, the applicant has 30 days to address
153 the deficiencies by submitting the required additional
154 information. If the county fails to issue the written
155 notification within 5 business days, the application is deemed
156 complete by operation of law without conditions, and the county
157 must process the application as required in paragraph (d).

158 (d)1. Upon receipt of the applicant's completed
159 application, the county must process the application for final
160 action and must approve, approve with conditions, or deny the
161 application within 45 days after submission of a complete
162 application, except the county may not review again those plans
163 specified in subparagraph (b)2.

164 2. If the county fails to take final action to approve,
165 approve with conditions, or deny the application within 45 days,
166 the applicant shall notify the county in writing. If the county
167 fails to respond within 10 days, the application is deemed
168 approved by operation of law without conditions, and the
169 applicant is entitled to proceed with the proposed activity or
170 development as though the county had granted unconditional
171 approval. Approval pursuant to this subparagraph may not be
172 construed to relieve the applicant of the obligation to comply
173 with all other applicable federal, state, and local laws,
174 regulations, and ordinances.

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175 (2) If an applicant for a development permit or development
176 order is not eligible, does not request, or elects not to use
177 the county's development preapplication consulting services
178 program pursuant to subsection (1), all of the following
179 requirements shall apply:

180 (a)~~(1)~~ A county shall specify in writing the minimum
181 information that must be submitted in an application for a
182 zoning approval, rezoning approval, subdivision approval,
183 certification, special exception, or variance. A county shall
184 make the minimum information available for inspection and
185 copying at the location where the county receives applications
186 for development permits and orders, provide the information to
187 the applicant at a preapplication meeting, or post the
188 information on the county's website.

189 (b)1.~~(2)~~ Within 5 business days after receiving an
190 application for approval of a development permit or development
191 order, a county shall confirm receipt of the application using
192 contact information provided by the applicant. Within 30 days
193 after receiving an application for approval of a development
194 permit or development order, a county must review the
195 application for completeness and issue a written notification to
196 the applicant indicating that all required information is
197 submitted or specify in writing with particularity any areas
198 that are deficient. If the application is deficient, the
199 applicant has 30 days to address the deficiencies by submitting
200 the required additional information.

201 2. For applications that do not require final action
202 through a quasi-judicial hearing or a public hearing, the county
203 must approve, approve with conditions, or deny the application

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204 for a development permit or development order within 120 days
205 after the county has deemed the application complete.

206 3. For applications that require final action through a
207 quasi-judicial hearing or a public hearing, the county must
208 approve, approve with conditions, or deny the application for a
209 development permit or development order within 180 days after
210 the county has deemed the application complete.

211 4. Both parties may agree in writing or in a public meeting
212 or hearing to an extension of time, particularly in the event of
213 a force majeure or other extraordinary circumstance. An
214 approval, approval with conditions, or denial of the application
215 for a development permit or development order must include
216 written findings supporting the county's decision.

217
218 The timeframes contained in this paragraph ~~subsection~~ do not
219 apply in an area of critical state concern, as designated in s.
220 380.0552. The timeframes contained in this paragraph ~~subsection~~
221 restart if an applicant makes a substantive change to the
222 application. As used in this paragraph ~~subsection~~, the term
223 "substantive change" means an applicant-initiated change of 15
224 percent or more in the proposed density, intensity, or square
225 footage of a parcel.

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

231 2. ~~(b)~~ If a county makes a request for additional
232 information and the applicant submits the required additional

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233 information within 30 days after receiving the request, the
234 county must review the application for completeness and issue a
235 letter indicating that all required information has been
236 submitted or specify with particularity any areas that are
237 deficient within 30 days after receiving the additional
238 information.

239 3.(e) If a county makes a second request for additional
240 information and the applicant submits the required additional
241 information within 30 days after receiving the request, the
242 county must review the application for completeness and issue a
243 letter indicating that all required information has been
244 submitted or specify with particularity any areas that are
245 deficient within 10 days after receiving the additional
246 information.

247 4.(d) Before a third request for additional information,
248 the applicant must be offered a meeting to attempt to resolve
249 outstanding issues. If a county makes a third request for
250 additional information and the applicant submits the required
251 additional information within 30 days after receiving the
252 request, the county must deem the application complete within 10
253 days after receiving the additional information or proceed to
254 process the application for approval or denial unless the
255 applicant waived the county's limitation in writing as described
256 in subparagraph 1. paragraph (a).

257 5.(e) Except as provided in subsection (4) ~~subsection (7)~~,
258 if the applicant believes the request for additional information
259 is not authorized by ordinance, rule, statute, or other legal
260 authority, the county, at the applicant's request, shall proceed
261 to process the application for approval or denial.

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262 (d)~~(4)~~ A county must issue a refund to an applicant equal
263 to:

264 1.(a) Ten percent of the application fee if the county
265 fails to issue written notification of completeness or written
266 specification of areas of deficiency within 30 days after
267 receiving the application.

268 2.(b) Ten percent of the application fee if the county
269 fails to issue a written notification of completeness or written
270 specification of areas of deficiency within 30 days after
271 receiving the additional information pursuant to subparagraph
272 (c)2. ~~paragraph (3) (b).~~

273 3.(e) Twenty percent of the application fee if the county
274 fails to issue a written notification of completeness or written
275 specification of areas of deficiency within 10 days after
276 receiving the additional information pursuant to subparagraph
277 (c)3. ~~paragraph (3) (c).~~

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

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

288

289 A county is not required to issue a refund if the applicant and
290 the county agree to an extension of time, the delay is caused by

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291 the applicant, or the delay is attributable to a force majeure
292 or other extraordinary circumstance.

293 (e)~~(5)~~ When a county denies an application for a
294 development permit or development order, the county shall give
295 written notice to the applicant. The notice must include a
296 citation to the applicable portions of an ordinance, rule,
297 statute, or other legal authority for the denial of the permit
298 or order.

299 (3)~~(6)~~ As used in this section, the terms "development
300 permit" and "development order" have the same meaning as in s.
301 163.3164, but do not include building permits.

302 (4)~~(7)~~ For any development permit application filed with
303 the county after July 1, 2012, a county may not require as a
304 condition of processing or issuing a development permit or
305 development order that an applicant obtain a permit or approval
306 from any state or federal agency unless the agency has issued a
307 final agency action that denies the federal or state permit
308 before the county action on the local development permit.

309 (5)~~(8)~~ Issuance of a development permit or development
310 order by a county does not in any way create any rights on the
311 part of the applicant to obtain a permit from a state or federal
312 agency and does not create any liability on the part of the
313 county for issuance of the permit if the applicant fails to
314 obtain requisite approvals or fulfill the obligations imposed by
315 a state or federal agency or undertakes actions that result in a
316 violation of state or federal law. A county shall attach such a
317 disclaimer to the issuance of a development permit and shall
318 include a permit condition that all other applicable state or
319 federal permits be obtained before commencement of the

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320 development.

321 ~~(6)(9)~~ This section does not prohibit a county from
322 providing information to an applicant regarding what other state
323 or federal permits may apply.

324 Section 2. Section 163.3169, Florida Statutes, is created
325 to read:

326 163.3169 Using qualified contractors in development order
327 preapplication review.-

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

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

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

339 (c) "Conflict of interest" has the same meaning as in s.
340 112.312 and includes conflicts of interest recognized under
341 applicable licensing or certification standards applicable to
342 the qualified contractor.

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

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349 government's planning and zoning department.

350 (e) "Development services official" means the individual in
351 the development services office of the governing jurisdiction
352 who is responsible for the direct regulatory administration or
353 supervision of the review and approval process required to
354 indicate compliance with applicable land development
355 regulations. The term includes any duly authorized designee of
356 such person. This individual may be the executive director of
357 the governing body of a local government or the division
358 director of the local government's planning and zoning
359 department.

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

361 (g) "Governing body" has the same meaning as in s.
362 163.3164.

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

366 (i) "Local government" means:

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

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

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

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

375 (l) "Plat or replat" has the same meaning as in s.
376 177.031(14).

377 (m) "Preapplication review" means the analysis of a permit

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378 conducted by a qualified contractor to ensure compliance with a
379 comprehensive plan, chapter 177, and applicable land development
380 regulations, and which is part of the application as authorized
381 under this section.

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

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

387 1. An engineer or engineering firm licensed under chapter
388 471.

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

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

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

395 5. A planner certified by the American Institute of
396 Certified Planners with at least 5 years of relevant government
397 experience or at least 10 years of experience as an urban
398 planner if not certified.

399 (p) "Qualified contractor firm" means a business
400 organization, including a corporation, partnership, business
401 trust, or other legal entity, which offers services under this
402 section to the public through licensees who act as agents,
403 employees, officers, or partners of the firm. A person who is
404 licensed as an engineer under chapter 471; a surveyor or mapper
405 licensed under chapter 472; an architect licensed under part I
406 of chapter 481; a landscape architect licensed under part II of

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407 chapter 481; or who is certified by the American Institute of
408 Certified Planners with at least 5 years of relevant government
409 experience, or at least 10 years of relevant experience as an
410 urban planner if not certified, may act as a qualified
411 contractor for an agent, employee, or officer of the qualified
412 contractor firm.

413 (q) "Site plan or development plan approval" means a site
414 development proposal, or its functional equivalent, including a
415 modification to an existing development approval, which is
416 expressly designated by the local government for administrative
417 review and approval by local government staff or a designated
418 administrative official, without the requirement of approval by
419 an appointed review board or a governing body and which does not
420 materially increase density, intensity, traffic, infrastructure
421 demand, environmental impacts, or significant offsite impacts,
422 and therefore does not require full site plan review or
423 discretionary policy review. The term includes approvals or
424 permits governed by objective, nondiscretionary standards that
425 are designated by the local government for administrative
426 approval by local government staff or an administrative official
427 and which also includes, but is not limited to approvals or
428 permits related to trees, signs, landscaping, and minor
429 modifications.

430 (r) "Subdivision approval" or its functional equivalent,
431 including a modification, means an administrative review process
432 applicable to the division of land into a limited number of lots
433 which does not create new public streets or require significant
434 public infrastructure improvements and does not materially
435 increase development impacts. The term applies only to approvals

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436 expressly designated by the local government for administrative
437 review and approval by local government staff or a designated
438 administrator without the requirement of approval by an
439 appointed review board or a governing body. A subdivision
440 qualifies under this definition if it involves a number of lots
441 as specified by the local government, complies with all
442 applicable zoning, dimensional, access utility, and
443 environmental standards, and can be served by existing public
444 facilities or approved private systems, allowing the subdivision
445 to be reviewed for compliance with objective standards of land
446 development code and approved by local government staff or a
447 designated administrative official without requiring
448 discretionary policy determinations.

449 (2) REGISTRY.-

450 (a) By January 1, 2027, a local government shall establish
451 a registry of at least four qualified contractors or two
452 qualified contractor firms which the governing body shall use to
453 supplement the local government's staff resources in ways
454 determined by the governing body upon the written request by an
455 applicant for fulfilling:

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

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

461 3. The requirements of s. 177.071 requiring the
462 administrative approval of a plat or replat.

463 (b) A qualified contractor or a qualified contractor firm
464 on the registry which is hired pursuant to this section may not

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465 have a conflict of interest. If a prohibitive conflict of
466 interest exists, the applicant may use an otherwise qualified
467 contractor.

468 (c) A local government may enter into an agreement with
469 another local government for the purpose of using public
470 employees who meet the requirements for a qualified contractor
471 to satisfy the minimum numerical requirements for qualified
472 contractors for the registry. A local government may not add its
473 own employees to its own registry.

474 (d) If a local government fails to establish or maintain
475 the registry, an applicant may, at its sole discretion, retain a
476 qualified contractor or a qualified contractor firm of the
477 applicant's choosing to provide preapplication consultation
478 services, provided that the selected qualified contractor or
479 qualified contractor firm does not have a conflict of interest.
480 If a conflict of interest is identified after selection, the
481 applicant must promptly replace the qualified contractor or
482 qualified contractor firm with one that has no conflict of
483 interest.

484 (e) The local government may not condition, deny, or delay
485 the applicant's selection or use of such qualified contractor or
486 qualified contractor firm, and the applicant is responsible for
487 all fees and costs associated with the qualified contractor or
488 qualified contractor firm used in this manner.

489 (f) If an applicant uses a qualified contractor or a
490 qualified contractor firm for such purpose, the local government
491 must provide access to public records and information reasonably
492 necessary to perform preapplication consultation services. This
493 paragraph does not authorize the disclosure of records that are

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494 confidential or exempt from public inspection or copying under
495 chapter 119 or any other applicable law, and access to such
496 records is provided only to the extent permitted by law. This
497 paragraph may not be construed to require a local government to
498 violate the licensing terms of proprietary software or related
499 vendor agreements.

500 (3) APPLICABILITY; HISTORIC PRESERVATION.-

501 (a) This section does not apply to an application for a
502 permit if the property that is the subject of the application
503 is:

504 1. Individually listed in the National Register of Historic
505 Places or is a contributing property within a National Register-
506 listed historic district;

507 2. Designated as a local historic landmark, historic
508 resource, or part of a locally designated historic district
509 under a duly adopted local historic preservation ordinance; or

510 3. Subject to binding historic preservation review or
511 approval under federal, state, or local law, including review by
512 a local historic preservation board or commission.

513 (b) If an application encompasses multiple parcels or
514 improvements, this subsection applies only to the portion of the
515 application that relates to property described in paragraph (a).
516 This subsection may not be construed to prohibit the use of a
517 qualified contractor for the portions of an application that do
518 not involve the property listed in paragraph (a).

519 Section 3. Section 166.033, Florida Statutes, is amended to
520 read:

521 166.033 Development permits and orders; development
522 preapplication consulting services program required.-

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523 (1) (a) By January 1, 2027, each municipality with a
524 population of 10,000 or greater shall create and implement a
525 program for the purpose of making available development
526 preapplication consultation services at an applicant's request.
527 This subsection may not be construed to affect or require the
528 modification of a municipal program that makes available the
529 same or substantially similar development preapplication
530 consulting services to an applicant for a development permit or
531 development order, including a program that requires mandatory
532 preapplication meetings for specified types of developments, if
533 such municipal program exists on or before July 1, 2026.

534 1. The preapplication consultation services authorized in
535 this subsection are limited to those applications for permits as
536 defined in s. 163.3169.

537 2. The municipality may use a qualified contractor or a
538 qualified contractor firm as defined in s. 163.3169 to fulfill
539 the preapplication consultation services required in this
540 subsection.

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

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

545 2. The review and precertification of completeness of the
546 application and all related documents, including site
547 engineering plans or site plans or their functional equivalent,
548 or plats, and their compliance with all relevant existing land
549 development regulations.

550 (c) If an applicant chooses to use the development
551 preapplication consultation services program, the municipality,

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552 upon receipt of the proposed development application, shall
553 confirm receipt, verify completeness, and issue a written
554 notification to the applicant indicating that all required
555 information has been submitted, or specify in writing with
556 particularity any deficiencies within 5 business days. If the
557 application is deficient, the applicant has 30 days to address
558 the deficiencies by submitting the required information. If the
559 municipality fails to issue the written notification within 5
560 business days, the application is deemed complete by operation
561 of law without conditions, and the municipality must process the
562 application as required in paragraph (d).

563 (d)1. Upon receipt of the applicant's completed
564 application, the municipality must process the application for
565 final action and must approve, approve with conditions, or deny
566 the application within 45 days after submission of a complete
567 application, except the municipality may not review again those
568 plans specified in subparagraph (b)2.

569 2. If the municipality fails to take final action to
570 approve, approve with conditions, or deny the application within
571 the 45 days, the applicant shall notify the municipality in
572 writing. If the municipality fails to respond within 10 days,
573 the application is deemed approved by operation of law without
574 conditions, and the applicant is entitled to proceed with the
575 proposed activity or development as though the municipality had
576 granted unconditional approval. Approval pursuant to this
577 subparagraph may not be construed to relieve the applicant of
578 the obligation to comply with all other applicable federal,
579 state, and local laws, regulations, and ordinances.

580 (2) If an applicant for a development permit or development

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581 order is not eligible, does not request, or elects not to use
582 the municipality's development preapplication consulting
583 services program pursuant to subsection (1), all of the
584 following requirements shall apply:

585 (a)~~(1)~~ A municipality shall specify in writing the minimum
586 information that must be submitted for an application for a
587 zoning approval, rezoning approval, subdivision approval,
588 certification, special exception, or variance. A municipality
589 shall make the minimum information available for inspection and
590 copying at the location where the municipality receives
591 applications for development permits and orders, provide the
592 information to the applicant at a preapplication meeting, or
593 post the information on the municipality's website.

594 (b)1.~~(2)~~ Within 5 business days after receiving an
595 application for approval of a development permit or development
596 order, a municipality shall confirm receipt of the application
597 using contact information provided by the applicant. Within 30
598 days after receiving an application for approval of a
599 development permit or development order, a municipality must
600 review the application for completeness and issue a written
601 notification to the applicant indicating that all required
602 information is submitted or specify in writing with
603 particularity any areas that are deficient. If the application
604 is deficient, the applicant has 30 days to address the
605 deficiencies by submitting the required additional information.

606 2. For applications that do not require final action
607 through a quasi-judicial hearing or a public hearing, the
608 municipality must approve, approve with conditions, or deny the
609 application for a development permit or development order within

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610 120 days after the municipality has deemed the application
611 complete.

612 3. For applications that require final action through a
613 quasi-judicial hearing or a public hearing, the municipality
614 must approve, approve with conditions, or deny the application
615 for a development permit or development order within 180 days
616 after the municipality has deemed the application complete.

617 4. Both parties may agree in writing or in a public meeting
618 or hearing to an extension of time, particularly in the event of
619 a force majeure or other extraordinary circumstance. An
620 approval, approval with conditions, or denial of the application
621 for a development permit or development order must include
622 written findings supporting the municipality's decision.

623
624 The timeframes contained in this paragraph ~~subsection~~ do not
625 apply in an area of critical state concern, as designated in s.
626 380.0552 or chapter 28-36, Florida Administrative Code. The
627 timeframes contained in this paragraph ~~subsection~~ restart if an
628 applicant makes a substantive change to the application. As used
629 in this paragraph ~~subsection~~, the term "substantive change"
630 means an applicant-initiated change of 15 percent or more in the
631 proposed density, intensity, or square footage of a parcel.

632 (c)1. ~~(3)(a)~~ When reviewing an application for a development
633 permit or development order that is certified by a professional
634 listed in s. 403.0877, a municipality may not request additional
635 information from the applicant more than three times, unless the
636 applicant waives the limitation in writing.

637 2. ~~(b)~~ If a municipality makes a request for additional
638 information and the applicant submits the required additional

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639 information within 30 days after receiving the request, the
640 municipality must review the application for completeness and
641 issue a letter indicating that all required information has been
642 submitted or specify with particularity any areas that are
643 deficient within 30 days after receiving the additional
644 information.

645 3.(e) If a municipality makes a second request for
646 additional information and the applicant submits the required
647 additional information within 30 days after receiving the
648 request, the municipality must review the application for
649 completeness and issue a letter indicating that all required
650 information has been submitted or specify with particularity any
651 areas that are deficient within 10 days after receiving the
652 additional information.

653 4.(d) Before a third request for additional information,
654 the applicant must be offered a meeting to attempt to resolve
655 outstanding issues. If a municipality makes a third request for
656 additional information and the applicant submits the required
657 additional information within 30 days after receiving the
658 request, the municipality must deem the application complete
659 within 10 days after receiving the additional information or
660 proceed to process the application for approval or denial unless
661 the applicant waived the municipality's limitation in writing as
662 described in paragraph (a).

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

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

670 1.~~(a)~~ Ten percent of the application fee if the
671 municipality fails to issue written notification of completeness
672 or written specification of areas of deficiency within 30 days
673 after receiving the application.

674 2.~~(b)~~ Ten percent of the application fee if the
675 municipality fails to issue written notification of completeness
676 or written specification of areas of deficiency within 30 days
677 after receiving the additional information pursuant to
678 subparagraph (c)2. ~~paragraph (3)(b).~~

679 3.~~(e)~~ Twenty percent of the application fee if the
680 municipality fails to issue written notification of completeness
681 or written specification of areas of deficiency within 10 days
682 after receiving the additional information pursuant to
683 subparagraph (c)3. ~~paragraph (3)(e).~~

684 4.~~(d)~~ Fifty percent of the application fee if the
685 municipality fails to approve, approves with conditions, or
686 denies the application within 30 days after conclusion of the
687 120-day timeframe specified in subparagraph (b)2. or the 180-day
688 timeframe specified in subparagraph (b)3. ~~subsection (2).~~

689 5.~~(e)~~ One hundred percent of the application fee if the
690 municipality fails to approve, approves with conditions, or
691 denies an application 31 days or more after conclusion of the
692 120-day timeframe specified in subparagraph (b)2. or the 180-day
693 timeframe specified in subparagraph (b)3. ~~subsection (2).~~

694

695 A municipality is not required to issue a refund if the
696 applicant and the municipality agree to an extension of time,

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697 the delay is caused by the applicant, or the delay is
698 attributable to a force majeure or other extraordinary
699 circumstance.

700 (e)~~(5)~~ When a municipality denies an application for a
701 development permit or development order, the municipality shall
702 give written notice to the applicant. The notice must include a
703 citation to the applicable portions of an ordinance, rule,
704 statute, or other legal authority for the denial of the permit
705 or order.

706 (3)~~(6)~~ As used in this section, the terms "development
707 permit" and "development order" have the same meaning as in s.
708 163.3164, but do not include building permits.

709 (4)~~(7)~~ For any development permit application filed with
710 the municipality after July 1, 2012, a municipality may not
711 require as a condition of processing or issuing a development
712 permit or development order that an applicant obtain a permit or
713 approval from any state or federal agency unless the agency has
714 issued a final agency action that denies the federal or state
715 permit before the municipal action on the local development
716 permit.

717 (5)~~(8)~~ Issuance of a development permit or development
718 order by a municipality does not create any right on the part of
719 an applicant to obtain a permit from a state or federal agency
720 and does not create any liability on the part of the
721 municipality for issuance of the permit if the applicant fails
722 to obtain requisite approvals or fulfill the obligations imposed
723 by a state or federal agency or undertakes actions that result
724 in a violation of state or federal law. A municipality shall
725 attach such a disclaimer to the issuance of development permits

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726 and shall include a permit condition that all other applicable
727 state or federal permits be obtained before commencement of the
728 development.

729 ~~(6)-(9)~~ This section does not prohibit a municipality from
730 providing information to an applicant regarding what other state
731 or federal permits may apply.

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

734 177.071 Administrative approval of plats or replats by
735 designated county or municipal official.—

736 (1)

737 (c) A governing body and its designated administrative
738 authority shall use, upon the written request of the applicant,
739 the registry established in s. 163.3169 to supplement local
740 government staff resources in ways determined by the governing
741 body for processing and expediting the requirements of this
742 section.

743 (d) A local government may not create, establish, or apply
744 any additional local procedure or condition for the
745 administrative approval of a plat or replat under this section
746 which is inconsistent with this section or s. 177.091. If
747 infrastructure financial assurances are required as a condition
748 of plat or replat approval, the administrative authority
749 designated in paragraph (a) must receive and act upon the
750 proposed assurance. The local government shall accept commonly
751 used forms of financial assurance, including performance bonds,
752 letters of credit, and escrow agreements, provided that the
753 assurance is in a form reasonably acceptable to the local
754 government and issued by a financially responsible issuer

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755 meeting objective, uniformly applied standards. Local government
756 review of such financial assurance shall be limited to verifying
757 that the amount, form, and issuer satisfy the requirements of s.
758 177.091(8) and (9) and the local government's uniformly applied
759 standards, and may not be used to unreasonably delay approval.
760 If the assurance is deficient, the local government must provide
761 written notice of deficiencies within 10 business days.

762 Section 5. Paragraph (a) of subsection (1), paragraphs (a)
763 and (b) of subsection (2), paragraph (a) of subsection (3),
764 subsection (4), paragraphs (b) and (c) of subsection (6), and
765 subsection (8) of section 177.073, Florida Statutes, are
766 amended, and paragraph (d) is added to subsection (2) of that
767 section, to read:

768 177.073 Expedited approval of residential building permits
769 before a final plat is recorded.—

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

771 (a) "Applicant" means a homebuilder or developer who files
772 an application with the local governing body to identify the
773 percentage of planned homes, or the number of building permits,
774 that the local governing body must issue for a residential
775 subdivision or one or more phases in a multiphased planned
776 community, subdivision, or planned community.

777 (2) (a) By October 1, 2024, the governing body of a county
778 that has 75,000 residents or more and any governing body of a
779 municipality that has 10,000 residents or more and 25 acres or
780 more of contiguous land that the local government has designated
781 in the local government's comprehensive plan and future land use
782 map as land that is agricultural or to be developed for
783 residential purposes shall create a program to expedite the

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784 process for issuing building permits for residential
785 subdivisions or one or more phases in a multiphased planned
786 community, subdivision, or planned communities in accordance
787 with the Florida Building Code and this section before a final
788 plat is recorded with the clerk of the circuit court. The
789 expedited process must include an application for an applicant
790 to identify the percentage of planned homes, not to exceed 50
791 percent of the residential subdivision or a planned community,
792 or the number of building permits that the governing body must
793 issue for the residential subdivision or planned community. The
794 application or the local government's final approval may not
795 alter or restrict the applicant from receiving the number of
796 building permits requested, so long as the request does not
797 exceed 50 percent of the planned homes of the residential
798 subdivision or planned community or the number of building
799 permits. This paragraph does not:

800 1. Restrict the governing body from issuing more than 50
801 percent of the building permits for the residential subdivision
802 or planned community.

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

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

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

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

830 b. The governing body, local building official, and any
831 local government staff may not condition, delay, limit,
832 restrict, obstruct, or deny the applicant's use of a qualified
833 contractor under this paragraph. This paragraph does not
834 prohibit a local government from applying neutral, generally
835 applicable requirements relating to procurement, contracting,
836 insurance, indemnification, conflict-of-interest review,
837 credential verification, recordkeeping, or public safety,
838 provided such requirements do not materially impair or frustrate
839 the applicant's ability to use a qualified contractor as
840 authorized by this paragraph. Any local requirement that
841 directly conflicts with this paragraph is preempted to the

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842 extent of the conflict.

843 c. The qualified contractor may perform all technical
844 review services within the scope of his or her licensure and
845 qualifications which are necessary to obtain such building
846 permits as specifically authorized under this section, including
847 preparing, reviewing, and submitting permit applications and
848 supporting plans, specifications, and documents, and providing
849 signed and sealed documents when required by law. The local
850 building official must accept such submissions when prepared and
851 sealed by the qualified contractor as meeting any local
852 requirement that the submission be prepared or reviewed by local
853 government staff, and must review and issue the permits in
854 accordance with the Florida Building Code and applicable state
855 law. This paragraph does not limit the authority of the local
856 building official to review such submission by a qualified
857 contractor for compliance with the Florida Building Code and
858 applicable state law, to identify deficiencies, or to approve or
859 deny the permit in accordance with the law.

860 d. The governing body and the local building official may
861 not unreasonably require the applicant or the qualified
862 contractor to use a local government registry, rotation, or
863 shortlist, or any other selection or vetting process, which has
864 the effect of denying or materially delaying the applicant's use
865 of a qualified contractor under this section.

866 e. The unconditional right provided by this paragraph
867 becomes effective immediately upon the governing body's failure
868 to meet the applicable deadlines in paragraph (a) or paragraph
869 (c), continues in effect unless and until the governing body has
870 adopted or updated a program fully compliant with this section,

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871 and may not be limited, impaired, or applied retroactively to
872 reduce the number or percentage of building permits the
873 applicant may obtain or is eligible to obtain under this
874 paragraph.

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

886 (3) A governing body shall create:

887 (a) A two-step application process for the adoption of a
888 preliminary plat, and for stabilized access roads that can
889 support emergency vehicles, inclusive of any plans, in order to
890 expedite the issuance of building permits under this section.
891 The application must allow an applicant to identify the
892 percentage of planned homes or the number of building permits
893 that the governing body must issue for the residential
894 subdivision, ~~or~~ planned community, or one or more phases of a
895 multiphased planned community or subdivision.

896 (4) (a) An applicant may use a private provider or qualified
897 contractor in the same manner as provided in ~~pursuant to~~ s.
898 553.791 to expedite the application process for building permits
899 after a preliminary plat is approved under this section.

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900 (b) A governing body shall, upon the written request of the
901 applicant, use the qualified contractor registry established in
902 s. 163.3169 ~~establish a registry of at least three qualified~~
903 ~~contractors whom the governing body may use to supplement staff~~
904 resources in ways determined by the governing body for
905 processing and expediting the review of an application for a
906 preliminary plat or any plans related to such application. A
907 ~~qualified contractor on the registry who is hired pursuant to~~
908 ~~this section to review an application, or any part thereof, for~~
909 ~~a preliminary plat, or any part thereof, may not have a conflict~~
910 ~~of interest with the applicant. For purposes of this paragraph,~~
911 ~~the term "conflict of interest" has the same meaning as in s.~~
912 ~~112.312.~~

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

918 (b) The applicant provides proof to the governing body that
919 the applicant has provided a copy of the approved preliminary
920 plat, along with the approved plans, to the relevant electric,
921 gas, water, and wastewater utilities. For purposes of this
922 paragraph, the term "approved plans" means plans approved for
923 design and permit review and does not include, and may not be
924 construed to require or imply, any certification, attestation,
925 or confirmation of the completion of construction of any
926 subdivision or planned community infrastructure, or improvements
927 depicted in, referenced by, or required under such plans, except
928 for the construction of the minimum access and roadway

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929 improvements required by the Florida Fire Prevention Code for
930 fire department access and operations, such as a stabilized
931 roadway for emergency access. No other subdivision or planned
932 community infrastructure or improvements may be required to be
933 constructed as a condition of building permit issuance or
934 approval authorized under this section.

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

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

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

950 c. Compliance with an environmental condition which is not
951 required by its land development regulations, a local government
952 comprehensive plan, a regulatory covenant or similar recorded
953 instrument, a decision or order by a local zoning board or other
954 quasi-judicial board, or by state law or federal law to obtain a
955 building permit.

956 2. This prohibition applies notwithstanding any ordinance,
957 resolution, policy, practice, permit condition, concurrency or

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958 proportionate-share requirement, interlocal agreement, utility
959 policy or standard, or other local requirement to the contrary.

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

968
969 This paragraph may not be construed to relieve an applicant from
970 completing or installing any infrastructure or improvements as a
971 condition of issuance of a certificate of occupancy.

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

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

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

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

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