

1 A bill to be entitled
2 An act relating to local land planning and
3 development; creating s. 163.3203, F.S.; providing
4 legislative findings and intent; providing
5 definitions; requiring the land development regulation
6 commission to develop a model ordinance to guide local
7 governments in the enactment of a land planning and
8 development program ordinance; requiring and
9 prohibiting certain provisions in the model ordinance;
10 defining the term "single-trade review"; requiring
11 local governments by a date certain to enact a land
12 planning and development program ordinance under which
13 local governments may enter into employment agreements
14 with certain private providers to perform specified
15 review services; establishing procedural requirements
16 and program provisions; authorizing applicants to
17 select from a registry private providers to perform
18 such services in certain circumstances; prohibiting
19 certain local government action and activities based
20 on such a selection; establishing specified criteria
21 upon such a selection; establishing specified criteria
22 when an applicant does not select a private provider
23 from a registry; providing that an applicant has a
24 vested right to select a private provider in certain
25 circumstances; authorizing private providers to apply

26 to a local government to be added to a registry;
27 requiring local government approval of such
28 applications; establishing registry composition;
29 authorizing local governments to establish for
30 purposes of the registry a specified system of
31 registration; establishing the contract terms and
32 conditions of employment agreements for review
33 services under the program ordinance; providing
34 construction; providing severability; authorizing
35 local governments to enter into interlocal agreements
36 for a specified purpose; authorizing civil causes of
37 action for specified relief in certain circumstances;
38 defining the term "prevailing party"; prohibiting
39 local governments from enacting certain program
40 ordinance provisions; declaring program ordinances
41 that contain such provisions void and expressly
42 preempted to the state; amending s. 163.3202, F.S.;
43 revising provisions required to be contained in local
44 land development regulations; amending s. 177.071,
45 F.S.; revising provisions relating to the
46 administrative approval of plats or replats by
47 designated county or municipal officials; amending s.
48 177.073, F.S.; revising the definition of the term
49 "applicant"; requiring certain governing bodies to
50 create a program, or to update an existing program, to

51 expedite the process for issuing building permits for
52 residential subdivisions, planned unit developments,
53 planned communities, or one or more phases of a multi-
54 phased community or subdivision by a date certain;
55 providing that an applicant has the right to use a
56 qualified contractor to obtain a specified percentage
57 of building permits in certain circumstances;
58 prohibiting the governing body, local building
59 official, and any local government staff from taking
60 certain actions relating to an applicant's use of a
61 qualified contractor; providing for the scope of a
62 qualified contractor's services; requiring a governing
63 body or local building official to accept in a
64 specified manner an application for building permits
65 when prepared, signed, and sealed by a qualified
66 contractor; prohibiting a governing body or local
67 building official from requiring an applicant or a
68 qualified contractor to use certain selection
69 processes or methods and from requiring other
70 specified conditions relating to the use of a
71 qualified contractor; providing construction;
72 requiring a governing body to create a two-step
73 application process for the adoption of a stabilized
74 access road that can support emergency vehicles;
75 authorizing an applicant to use a private provider for

land use approvals to expedite the application process for any plans necessary to support the approval of a site plan, preliminary plat, and final plat, or building permits after a preliminary plat is approved; increasing the minimum number of qualified contractors required for a specified registry; authorizing an applicant to use a private provider if a governing body fails to establish such registry to expedite the application process for a preliminary plat; prohibiting a governing body from conditioning, delaying, or denying an application based on an applicant's use of a private provider; requiring a governing body to accept, process, and act upon the review, approval, recommendation, and certification of a private provider in a specified manner; providing that an applicant is responsible for all fees and costs associated with the use of a private provider; requiring replacement of a private provider in certain circumstances; providing that certain ordinances, regulations, resolutions, rules, or policies are void; defining the term "conflict of interest"; prohibiting the governing body from conditioning, delaying, or denying the issuance of a building permit based on certain prerequisites; providing construction and applicability; defining the term "approved plans";

authorizing the governing body to waive a specified performance bond requirement in certain circumstances; providing that an applicant has a vested right in a preliminary plat within a specified timeframe after approval or if certain conditions are met, whichever occurs first; providing for preemption; providing applicability; providing an effective date.

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

Section 1. Section 163.3203, Florida Statutes, is created to read:

163.3203 Local land planning and development program.—

(1) (a) The Legislature recognizes the continued need for local land planning and development strategies to achieve growth and land development throughout this state.

(b) The Legislature recognizes the need to balance the role of local governments in community planning and development.

(c) The Legislature recognizes the benefits of local government implementation of innovative planning and development strategies through the use of the private sector to supplement the needs of local government and to keep pace with population growth, unmet demands for housing, and continuing budget constraints.

(d) The Legislature encourages local governments to

126 continue to use all available resources to ensure that private
127 property owners seeking to build or develop the next generation
128 of housing in this state are not burdened by any limitations
129 experienced by local governments.

130 (e) It is the intent of the Legislature to establish a
131 program through which local governments and residents of this
132 state may use private providers in the local land planning and
133 development process.

134 (2) As used in this section, the term:

135 (a) "Applicant" means a developer, homebuilder, or
136 property owner who submits to the appropriate governing body of
137 a local government a completed application for a permit, plans,
138 or plat, or any other type of application required by land
139 development regulations.

140 (b) "Completed application" means an application submitted
141 to the appropriate governing body of a local government for a
142 permit, plans, preliminary plat, or final plat, or any other
143 application required by the land development regulations, which
144 has been reviewed by a private provider, includes an affidavit
145 from the private provider attesting to compliance with the land
146 development regulations, and includes the payment of any
147 applicable fees. The term does not include a permit or plans
148 subject to review under s. 553.791.

149 (c) "Local government" means a county, a municipality, a
150 special district as defined in s. 189.012, or a community

development district as defined in s. 190.003.

(d) "Permit" means any building permit, zoning permit, subdivision approval, special exception, variance, or any other similar action of local government.

(e) "Plans" means any engineering plans or site plans, or their functional equivalent.

(f) "Private provider" means an individual or firm that enters into an employment contract with a local government to perform review services for a permit, plans, preliminary plat, final plat, or any other application required by the land development regulations. The term includes:

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

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

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

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

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

(3)(a) The land development regulation commission shall develop a model ordinance to guide local governments in the adoption of a land planning and development program. The model ordinance must include:

176 1. The manner in which a local government may enter into
177 an employment contract with a private provider for application
178 review services under the program.

179 2.a. The following minimum requirements for employment of
180 a private provider under the program:

181 (I) Verification of status as a private provider.

182 (II) Whether there has been any discipline or other
183 adverse action under any professional licensure laws or rules.

184 b. The following may not be considered or required for
185 employment of a private provider under the program:

186 (I) Years of experience;

187 (II) Geographic location; or

188 (III) Any prior or existing work for, with, or before the
189 local government.

190 3. The minimum and maximum hourly rates that a private
191 provider may charge, which must be comparable to average market
192 rates for comparable services.

193 4. Any other procedural requirements necessary for
194 application review services under the program, including, but
195 not limited to:

196 a. Common intake forms and records management systems.

197 b. Methods of transmission and payment.

198 c. Notice procedures.

199 (b) The model ordinance may not:

200 1. Conflict with the legislative policy and intent of this

section.

2. Add to, modify, limit, or condition the rights, duties, standards, scope, qualifications, or effects established by this section.

3. Establish or require any substantive review criteria, terms, or conditions for applicants or private providers.

(4) By October 1, 2026, a local government shall enact or adopt by ordinance a land planning and development program through which the local government may enter into an employment agreement with a private provider to perform review services for:

(a) A public works project before an application for such project is submitted to the appropriate governing body of a local government.

(b) A permit, plans, preliminary plat, final plat, or any other type of application required by the land development regulations before the application is submitted to the governing body.

(5) A land planning and development program ordinance enacted by a local government must, at a minimum, be consistent with the model ordinance developed by the land development regulation commission under subsection (3) and establish the following:

(a) Submission and processing procedures for a completed application by the governing body.

226 (b) Standard operating private provider audit procedures,
227 which shall include, at a minimum:

- 228 1. Private provider audit purpose and scope.
229 2. Private provider audit criteria.
230 3. An explanation of private provider audit processes and
231 objections and detailed findings of areas of noncompliance.
232 4. The requirement that the same private provider may not
233 be audited more than four times per year unless the governing
234 body determines a condition of an application constitutes an
235 immediate threat to public safety and welfare, which must be
236 communicated in writing to the private provider.

237
238 Such audit procedures must be publicly available online, and a
239 printed version must be readily accessible in the offices of the
240 governing body.

241 (6) A land planning and development program ordinance
242 enacted or adopted by a local government must contain the
243 following program provisions:

244 (a) Before an applicant submits a completed application to
245 the governing body, a private provider shall review the permit,
246 plans, preliminary plat, final plat, or any other application
247 required by the land development regulations to determine
248 whether the application complies with the land development
249 regulations. The private provider shall communicate directly
250 with the applicant regarding any application deficiencies.

251 (b) Upon a determination by a private provider that the
252 permit, plans, preliminary plat, final plat, or any other
253 application required by the land development regulations
254 complies with the land development regulations, the private
255 provider shall prepare an affidavit certifying, under oath, that
256 the following is true and correct to the best of the private
257 provider's knowledge and belief:

258 1. The application was reviewed by the affiant, who is
259 duly authorized to perform application review services pursuant
260 to this section and holds the appropriate license or
261 certificate.

262 2. The permit, plans, preliminary plat, final plat, or any
263 other application required by the land development regulations
264 complies with the land development regulations.

265
266 Such affidavit may bear a written or electronic signature and
267 may be submitted electronically to the governing body.

268 (c) When performing review services, a private provider:

269 1. May perform only those review services that are within
270 the disciplines covered by his or her professional licensure
271 pursuant to chapter 471, chapter 472, or chapter 481, or as
272 certified by the American Institute of Certified Planners,
273 including single-trade review. For purposes of this
274 subparagraph, the term "single-trade review" means any review
275 focused on a single component of a permit, plans, preliminary

276 plat, final plat, or any other application required by the land
277 development regulations, such as engineering, surveying,
278 planning, or architecture.

279 2. May not perform review services if there is a conflict
280 of interest, as defined in s. 112.312, with the applicant, or
281 under stricter conflict-of-interest standards applicable to the
282 private provider's professional licensure.

283 3. A private provider is subject to the disciplinary
284 guidelines of the applicable professional board with
285 jurisdiction over his or her license or certification under
286 chapter 471, chapter 472, or chapter 481. Any complaint
287 processing, investigation, and discipline that arise out of a
288 private provider's performance of review services must be
289 conducted by the applicable professional board.

290 (d) Within 10 business days after receipt of a completed
291 application, the governing body shall review the completed
292 application and provide a written notice to the applicant
293 describing with particularity any application deficiencies that
294 do not comply with the land development regulations. If the
295 governing body does not provide written notice within the period
296 prescribed by this paragraph, the completed application shall be
297 deemed approved, and the governing body must issue the approval
298 on the next business day.

299 (7)(a)1. If a local government fails to enact or adopt by
300 ordinance a land planning and development program, an applicant

301 may select a private provider from the registry established
302 under subsection (8) to perform review services, and the
303 appropriate governing body of a local government shall accept
304 and process the completed application in accordance with this
305 section.

306 2. A local government may not condition, delay, deny, or
307 otherwise contest the submission of a completed application
308 based on an applicant's selection of a private provider under
309 this paragraph, except upon a written determination, supported
310 by competent substantial evidence, that the private provider has
311 a conflict of interest, as defined in s. 112.312, with the
312 applicant, or under stricter conflict-of-interest standards
313 applicable to the private provider's professional licensure.

314 (b) If an applicant selects a private provider to perform
315 review services pursuant to paragraph (a):

316 1. All services rendered by the private provider shall be
317 the subject of a written employment agreement entered into
318 between the local government and the private provider.

319 2. The applicant shall submit payment for services
320 rendered by the private provider to the governing body, not the
321 private provider.

322 3. The governing body shall ensure that the private
323 provider receives payment for his or her services within 30 days
324 after receipt of payment from the applicant for services
325 rendered.

326 (c) If an applicant selects a private provider to perform
327 review services pursuant to paragraph (a), the governing body
328 must reduce the application fee by the amount of cost savings
329 realized for not having to perform such services. Such reduction
330 may be calculated on a flat fee or percentage basis, or any
331 other reasonable means by which the governing body assesses the
332 cost of application review. The governing body may not charge a
333 surcharge for application review. However, the governing body
334 may charge a reasonable administrative fee, which must be based
335 on the cost that is actually incurred, including the labor cost
336 of the personnel providing the service, by the governing body or
337 attributable to the governing body for the clerical and
338 supervisory assistance required, or both. The governing body may
339 not collect a fee that is not based on the cost that is actually
340 incurred for review services for a completed application
341 submitted pursuant to this section.

342 (d) If an applicant selects a private provider to perform
343 review services pursuant to paragraph (a), the governing body
344 must provide the private provider with equal access to the data,
345 resources, documents, reports, and any other information
346 reasonably necessary to perform application review services.
347 However, this paragraph does not require the governing body to
348 provide or allow access to a record or information that is
349 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
350 of the State Constitution or to otherwise violate the public

351 records laws of this state.

352 (e)1. If an applicant does not select a private provider
353 to perform review services pursuant to paragraph (a), the
354 governing body must process the application within the
355 timeframes specified in ss. 125.022 and 166.033. The governing
356 body must use all available resources, including private
357 providers, to ensure compliance with the land development
358 regulations within such timeframes.

359 2. If the governing body fails to meet the timeframes
360 specified in ss. 125.022 and 166.033, an applicant has a vested
361 right to select a private provider of his or her own choosing at
362 the sole expense of the governing body, provided a conflict of
363 interest does not exist between the applicant and the private
364 provider.

365 (8) (a) A private provider may apply to a local government
366 to be added to a registry to perform review services pursuant to
367 this section. Upon receipt of the application, the local
368 government shall approve the application and add the private
369 provider to the registry, provided the provider meets the
370 program requirements under this section.

371 (b) A local government with a population of less than
372 10,000 must establish a registry of at least three private
373 providers to perform review services pursuant to this section. A
374 local government with a population of 10,000 or more must
375 establish a registry of at least six private providers to

376 perform such services. If fewer than the required number of
377 private providers are approved by a local government to be added
378 to the registry, the local government must register each private
379 provider that is approved.

380 (c) A local government may establish for purposes of the
381 registry a system of registration for private providers in order
382 to verify compliance with any professional licensure
383 requirements and insurance requirements pursuant to this
384 section.

385 (9)(a) An employment agreement for review services entered
386 into between a local government and a private provider must
387 contain terms and conditions that are consistent with this
388 section. A local government may not include any contract term,
389 condition, policy, procedure, or other provision that has the
390 effect of expanding, modifying, or restricting the rights,
391 obligations, or processes established in this section.

392 (b) A local government must apply the same material terms
393 governing payment, performance standards, deliverables, timeline
394 requirements, notice, cure, and oversight to contracts entered
395 into with a private provider as it applies to materially similar
396 contracts for services procured from a private contractor for
397 comparable scope and complexity. A local government may not
398 impose payment terms, performance obligations, audit or
399 reporting requirements, or oversight mechanisms on a private
400 provider which are different from or more burdensome than those

401 applied to a private contractor providing similar services. If a
402 local government uses substantially similar contracts for a
403 private contractor performing similar services, a contract
404 entered into under this section may not be any less favorable or
405 stricter than the terms that would apply to a similarly situated
406 private contractor.

407 (c) A local government may not, by contract or otherwise,
408 establish, apply, or enforce any additional criteria,
409 qualifications, prerequisites, certifications, rating systems,
410 experience requirements, or conditions for a private provider
411 beyond those expressly authorized in this section and the
412 applicable state professional licensure requirements. Any such
413 requirements established, applied, or enforced beyond those
414 authorized in this section are void.

415 (d) A local government must draft and apply standard
416 contract terms and conditions for employment agreements entered
417 into with a private provider which are substantially similar in
418 form and substance to the local government's standard
419 professional services agreements used for materially similar
420 engagements with other private-sector providers. The standard
421 contract shall, at a minimum, address:

- 422 1. Scope of services.
- 423 2. Compensation.
- 424 3. Invoicing.
- 425 4. Delivery schedules.

5. Termination.

6. Dispute resolution.

7. Audits for compliance with this section.

8. Records retention consistent with public records laws.

9. Professional responsibility.

A local government may not draft or apply standard contract terms and conditions in a manner that undermines or frustrates the purpose and operation of this section.

(e) A contract's insurance requirements for a private provider must be commensurate with the estimated value, scope, and risk profile of the review services to be performed and must align with commercially reasonable standards for similarly situated professional services within the jurisdiction. A local government may not impose insurance requirements that:

1. Exceed what is reasonably necessary for the specific engagement;

2. Exceed the minimum coverage required under the applicable professional licensure laws or rules, absent a documented, project-specific risk determination; or

3. Operate to prevent participation in the program by an otherwise qualified private provider.

Any insurance requirements must be stated with specificity, including types and limits of coverage, and shall allow the use

451 of customary insurance instruments and endorsements available in
452 the admitted or surplus lines insurance markets.

453 (f) A local government may not, through any contractual
454 provision, administrative interpretation, or implementation
455 practice, impose obligations on a private provider that
456 frustrate, impair, or defeat the legislative intent or
457 requirements of this section, including, but not limited to,
458 replicating review services performed by a private provider,
459 imposing duplicative performance standards, or conditioning
460 payment for services rendered by a private provider on an
461 approval or review not authorized by this section. Any contract
462 that is entered into between a local government and a private
463 provider that conflicts with this section or frustrates the
464 legislative intent of this section is void.

465 (g) This subsection shall be liberally construed to
466 effectuate uniform contracts between local governments and
467 private providers consistent with private-sector contracting
468 practices within the jurisdiction and to prohibit indirect
469 circumvention of this section through contract terms.

470 (h) If any provision of this subsection is held invalid
471 with respect to any individual or circumstance, the invalidity
472 does not affect other provisions or applications of this
473 subsection which can be given effect without the invalid
474 provision or application, and to this end the provisions of this
475 subsection are severable.

476 (10) A local government may enter into an interlocal
477 agreement providing for a partnership with one or more other
478 local governments to facilitate the use of private providers
479 pursuant to this section.

480 (11) Participation by a local government in the program
481 created by this section shall be deemed a waiver of sovereign
482 immunity, and a private provider employed by a local government
483 to perform review services under the program shall be considered
484 an agent or employee of the local government in determining the
485 state insurance coverage and sovereign immunity protection
486 applicability of ss. 284.31 and 768.28, respectively.

487 (12) (a) An applicant may bring a civil action for
488 declaratory or injunctive relief for violation of this section.

489 (b)1. The prevailing party in an action filed for
490 violation of this section is entitled to attorney fees and
491 costs, including appellate attorney fees and costs, reasonably
492 incurred in connection with the action.

493 2. A court may not award attorney fees, costs, and damages
494 pursuant to this subsection if an applicant provides written
495 notice to the governing body that it is in violation of this
496 section and the governing body complies with this section, or
497 approves the applicant's application, within 14 days after
498 receipt of such notice.

499 (c) For purposes of this subsection, the term "prevailing
500 party" means a party who obtains an enforceable judgment, order,

501 or comparable court-sanctioned relief on the merits which
502 materially alters the legal relationship of the parties in that
503 party's favor, including the granting of declaratory or
504 injunctive relief or the dismissal with prejudice of the losing
505 party's claim. The term does not include a party whose
506 objectives are achieved solely by the voluntary cessation of
507 challenged conduct, absent a judicial determination or other
508 relief bearing the court's approval. If neither party prevails
509 on the significant issues, or if both parties prevail in part,
510 the court may determine that neither party is the prevailing
511 party or may equitably apportion fees and costs.

512 (13) (a) A land planning and development program ordinance
513 enacted or adopted pursuant to this section may not establish
514 any procedure, policy, guidance, standard, qualification, fee,
515 surcharge, contractual term, or administrative or quasi-judicial
516 practice that has the effect of, directly or indirectly,
517 imposing additional or differing requirements, restrictions,
518 delays, reviews, approvals, denials, conditions, audits,
519 inspections, or any other actions or activities that conflict
520 with this section.

521 (b) A local government may not invoke, construe, or rely
522 on any other provision of general law; special law; home-rule
523 authority; comprehensive plan policy; land development
524 regulation; building, zoning, or subdivision requirement; or any
525 public safety, health, welfare, or nuisance authority to expand,

526 supplement, supersede, or diminish the rights, processes, time
527 requirements, approvals, or remedies established in this
528 section.

529 (c) A local government may not condition the receipt,
530 processing, or approval of a completed application submitted by
531 an applicant under this section on compliance with any
532 additional or differing requirements not expressly authorized in
533 this section.

534 (14) To the extent a land planning and development program
535 ordinance that is inconsistent with or otherwise conflicts with
536 this section is enacted or adopted by a local government, such
537 ordinance is void and is expressly preempted to the state.

538 **Section 2. Paragraph (k) is added to subsection (2) of**
539 **section 163.3202, Florida Statutes, to read:**

540 163.3202 Land development regulations.—

541 (2) Local land development regulations shall contain
542 specific and detailed provisions necessary or desirable to
543 implement the adopted comprehensive plan and shall at a minimum:

544 (k) Provide for the use of private providers pursuant to
545 s. 163.3203.

546 **Section 3. Paragraph (b) of subsection (1) of section**
547 **177.071, Florida Statutes, is redesignated as paragraph (c), and**
548 **a new paragraph (b) is added to that subsection to read:**

549 177.071 Administrative approval of plats or replats by
550 designated county or municipal official.—

(1)

(b)1. The governing body of the county or municipality may not enact or adopt by ordinance any additional requirements that must be approved by the administrative authority if the plat or replat complies with s. 177.091.

2. If assurances are required for purposes of issuing a final administrative approval of a plat or replat submittal, the governing body of a county or municipality shall designate by ordinance the same administrative authority to receive, review, and process the surety instrument. All commonly used forms of surety instruments or alternative forms of financial assurances, including, but not limited to, performance bonds, letters of credit, escrow agreements, and cash deposited with the county or municipality as escrow agent must be accepted.

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

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

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

(a) "Applicant" means a homebuilder or developer who

576 submits files an application to ~~with~~ the local governing body to
577 identify the percentage of planned homes~~7~~, or the number of
578 building permits~~7~~, that the local governing body must issue for a
579 residential subdivision, planned unit development, or planned
580 community, or one or more phases of a multi-phased community or
581 subdivision.

582 (2)(a) By October 1, 2026 ~~2024~~, the governing body of a
583 county that has 75,000 residents or more and any governing body
584 of a municipality that has 10,000 residents or more and 25 acres
585 or more of contiguous land that the local government has
586 designated in the local government's comprehensive plan and
587 future land use map as land that is agricultural or to be
588 developed for residential purposes shall create a program to
589 expedite the process for issuing building permits for
590 residential subdivisions, planned unit developments, or planned
591 communities, or one or more phases of a multi-phased community
592 or subdivision in accordance with the Florida Building Code and
593 this section before a final plat is recorded with the clerk of
594 the circuit court. The expedited process must include an
595 application for an applicant to identify the percentage of
596 planned homes~~, not to exceed 50 percent of the residential~~
597 ~~subdivision or planned community,~~ or the number of building
598 permits that the governing body must issue for the residential
599 subdivision, planned unit development, or planned community, or
600 one or more phases of a multi-phased community or subdivision.

601 The application or the local government's final approval may not
602 alter or restrict the applicant from receiving the number of
603 building permits requested, so long as the request does not
604 exceed ~~50 percent of the planned homes of the residential~~
605 ~~subdivision or planned community or~~ the number of building
606 permits. This paragraph does not:

607 1. Restrict the governing body from issuing more than 50
608 percent of the building permits for the residential subdivision,
609 planned unit development, or planned community, or one or more
610 phases of a multi-phased community or subdivision.

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

612 (b) Subject to the requirements of paragraph (6)(b), a
613 governing body that has created ~~had~~ a program ~~in place~~ before
614 July 1, ~~2023~~ 2026, to expedite the building permit process is
615 required, need only to update its existing ~~their~~ program to
616 approve an applicant's written application for issuing ~~to issue~~
617 ~~up to 50 percent of the building permits for the residential~~
618 ~~subdivision, planned unit development, or planned community, or~~
619 one or more phases of a multi-phased community or subdivision in
620 order to comply with this section. This paragraph does not
621 restrict a governing body from issuing more than 50 percent of
622 the building permits for the residential subdivision, planned
623 unit development, or planned community, or one or more phases of
624 a multi-phased community or subdivision.

625 (d) If a governing body fails to create a program under

626 paragraph (2)(a) or paragraph (2)(c) or fails to update an
627 existing program under paragraph (2)(b), the following shall
628 apply without further action or approval by the governing body,
629 notwithstanding any conflicting local requirement:

630 1.a. An applicant has a vested right to use a qualified
631 contractor of his or her choosing to obtain up to 75 percent of
632 the building permits for the residential subdivision, planned
633 unit development, planned community, or one or more phases of a
634 multi-phased community or subdivision before the final plat is
635 recorded, provided the qualified contractor does not have a
636 conflict of interest, as defined in s. 112.312, with the
637 applicant.

638 b. The right provided in sub-subparagraph a. becomes
639 effective immediately, continues in effect unless and until the
640 governing body has created a program or updated an existing
641 program in compliance with this section, and may not be limited,
642 impaired, or applied retroactively to reduce the number or
643 percentage of building permits obtained or eligible to be
644 obtained by an applicant under this subparagraph.

645 2. A governing body, a local building official, and any
646 local government staff may not condition, delay, limit,
647 restrict, obstruct, or deny an applicant's use of a qualified
648 contractor under this paragraph, including by imposing any
649 application, review, approval, staffing, procurement,
650 qualification, preapproval, or selection requirements on the

651 qualified contractor other than those expressly required by
652 general law and the Florida Building Code. Any ordinance,
653 regulation, resolution, rule, or policy that is in conflict with
654 this subparagraph is void and is expressly preempted to the
655 state.

656 3. A qualified contractor may perform all services within
657 the scope of his or her professional licensure and
658 qualifications that are necessary or incidental to obtaining
659 building permits, including, but not limited to, preparing and
660 reviewing an application for building permits, preparing any
661 supporting plans, specifications, and documentation, and
662 providing to an applicant documents that are signed and sealed,
663 if required by law. A governing body or a local building
664 official shall accept an application for such permits when
665 prepared, signed, and sealed by a qualified contractor as
666 meeting any local requirement that the submission be prepared or
667 reviewed by local government staff and shall review and issue
668 building permits in accordance with the Florida Building Code
669 and other applicable law.

670 4. A governing body or a local building official may not
671 require an applicant or a qualified contractor to use a local
672 government registry, rotation, shortlist, or any other selection
673 process or method, and may not require any written agreement,
674 indemnification, fees, or other conditions relating to the use
675 of a qualified contractor under this paragraph, except for

676 standard building permit fees otherwise applicable to all
677 building permit applications and any fees expressly authorized
678 by law.

679
680 This paragraph does not limit or impair the authority of a
681 governing body or a local building official to enforce the
682 Florida Building Code, the Florida Fire Prevention Code, or any
683 other law in reviewing and issuing building permits. However, a
684 governing body or a local building official may not require that
685 an applicant or a qualified contractor meet any additional local
686 procedures, prerequisites, or substantive standards that in
687 effect delay, condition, restrict, or deny the use of a
688 qualified contractor as authorized by this paragraph.

689 (3) A governing body shall create:

690 (a) A two-step application process for the adoption of a
691 preliminary plat and a stabilized access road that can support
692 emergency vehicles, inclusive of any plans, in order to expedite
693 the issuance of building permits under this section. The
694 application must allow an applicant to identify the percentage
695 of planned homes or the number of building permits that the
696 governing body must issue for the residential subdivision,
697 planned unit development, ~~or~~ planned community, or one or more
698 phases of a multi-phased community or subdivision.

699 (4) (a) An applicant may use a private provider or a
700 qualified contractor for land use approvals in the same manner

701 as provided in ~~pursuant to~~ s. 553.791 to expedite the
702 application process for any plans necessary to support the
703 approval of a site plan, preliminary plat, and final plat or
704 building permits after a preliminary plat is approved under this
705 section.

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

717 (c)1. If a governing body fails to establish a registry
718 pursuant to paragraph (b), an applicant may use a private
719 provider of his or her own choosing to expedite the application
720 process for any plans necessary to support the approval of a
721 preliminary plat, provided the private provider does not have a
722 conflict of interest with the applicant.

723 2. A governing body may not condition, delay, deny, or
724 otherwise contest the submission of an application based on the
725 applicant's use of a private provider under this paragraph. A

governing body shall accept, process, and act upon the review, approval, recommendation, and certification of a private provider under this paragraph in the same manner and within the same timeframes as if such review services were performed by the staff of the governing body or a qualified contractor in the registry. A governing body may verify the credentials of a private provider, require standard formats, and conduct ministerial compliance reviews but may not impose any additional requirements that in effect frustrate, negate, or impede an applicant's ability to use a private provider under this paragraph.

3. An applicant is responsible for all fees and costs associated with the use of a private provider under this paragraph. If there is a conflict of interest, the applicant must promptly replace the private provider, and the governing body must continue processing the application without delay or prejudice.

4. Any ordinance, regulation, resolution, rule, or policy that is in conflict with this paragraph is void and is expressly preempted to the state.

(d) As used in this subsection, the term "conflict of interest" has the same meaning as in s. 112.312.

(6) The governing body must issue the number or percentage of building permits requested by an applicant in accordance with the Florida Building Code and this section, provided the

residential buildings or structures are unoccupied and all of the following conditions are met:

(b)1. The applicant provides proof to the governing body that the applicant has provided a copy of the approved preliminary plat, along with the approved plans, to the relevant electric, gas, water, and wastewater utilities.

2. The governing body may not condition, delay, or deny the issuance of a building permit under this subsection based on:

a. Completion, substantial completion, or physical installation of infrastructure for or improvements to any residential subdivision, planned unit development, planned community, or one or more phases of a multi-phased community or subdivision identified in the approved preliminary plat or the approved plans; or

b. Submission, acceptance, or approval of any certification of completion or similar documentation of finished construction or readiness for service, including, but not limited to, a certificate substantial completion, records of completion from an engineer or architect of record, as-built or record drawings, pressure or compaction test results, utility acceptance letters, and service availability letters.

This subparagraph applies notwithstanding any ordinance, regulation, resolution, policy, development order, permit

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

779 3. This paragraph does not prohibit a governing body from
780 requiring, as a condition to issuing a building permit,
781 documentation that is necessary to demonstrate compliance with
782 the Florida Fire Prevention Code. However, such documentation
783 may not require the completion, substantial completion, or
784 physical installation of infrastructure for or improvements to
785 any residential subdivision, planned unit development, planned
786 community, or one or more phases of a multi-phased community or
787 subdivision beyond that expressly required in the Florida Fire
788 Prevention Code.

789 4. For purposes of this paragraph, the term "approved
790 plans" means plans approved for design and permit review. The
791 term does not include, and may not require, any certification,
792 attestation, or confirmation of completion of construction of
793 infrastructure for or improvements to a residential subdivision,
794 planned unit development, planned community, or one or more
795 phases of a multi-phased community or subdivision depicted in,
796 referenced by, or required under such plans, except for the
797 construction of the minimum access and roadway improvements
798 required by the Florida Fire Prevention Code for fire department
799 access and operations, such as a stabilized roadway for
800 emergency access.

801 (c) The applicant holds a valid performance bond for up to
802 130 percent of the necessary improvements, as defined in s.
803 177.031(9), that have not been completed upon submission of the
804 application under this section. For purposes of a master planned
805 community as defined in s. 163.3202(5)(b), a valid performance
806 bond is required on a phase-by-phase basis. However, the
807 governing body may waive the performance bond requirement
808 through the program created in this section or on a case-by-case
809 basis upon request of the applicant.

810 (8) For purposes of this section, an applicant has a
811 vested right in a preliminary plat that has been approved by a
812 governing body for the lesser of 5 years following the date of
813 approval or the period of time that ~~if all of the following~~
814 ~~conditions are met:~~

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

817 (b) The applicant incurs obligations and expenses,
818 commences construction of the residential subdivision, planned
819 unit development, or planned community, or one or more phases of
820 a multi-phased community or subdivision, and is continuing in
821 good faith with the development of the property.

822 (11)(a) All regulation of governmental actions and
823 activities provided for in this section are preempted to the
824 state. A governing body may not enact or adopt by ordinance any
825 process, approval, permit, plan, or activity authorized by or

arising under this section in any manner that is inconsistent with this section. In addition, a governing body may not enact or adopt by ordinance any requirement, standard, study, report, review, condition, performance measure, level-of-service or concurrency determination, exaction, conformity or consistency determination, or any other local requirement that alters, restricts, delays, or otherwise conflicts with this section. Any such ordinance enacted or adopted by a governing body is void.

(b)1. All regulation of governmental actions and activities relating to environmental protection and natural resources in reviewing, processing, or acting on an application for a building permit under this section are preempted to the state. A governing body may not enact or adopt by ordinance any condition, practice, or criteria relating to environmental protection or natural resources which conflict with a program governing the same activity or resources adopted or enforced by this state or a state agency. The state program controls to the extent of any conflict.

2. This paragraph does not apply to:

a. Floodplain management ordinances adopted to comply with or participate in the National Flood Insurance Program.

b. Enforcement of the Florida Building Code, the Florida Fire Prevention Code, or any other state life-safety standards.

c. Implementation of a state environmental or natural resource program pursuant to an express delegation, interlocal

851 agreement, or contract that requires local implementation of
852 state standards, without imposing requirements that conflict
853 with the delegated state program.

854 d. Enactment of neutral, generally applicable
855 administrative procedures, time requirements, or application
856 submittal requirements necessary to process building permits,
857 without establishing substantive environmental or natural
858 resource standards that conflict with the delegated state
859 program.

860 **Section 5.** This act shall take effect July 1, 2026.