

1 A bill to be entitled
2 An act relating to local land planning and
3 development; creating s. 163.3169, F.S.; providing
4 legislative findings; defining terms; requiring the
5 governing body of a local government, by a specified
6 date, to create a program that authorizes an applicant
7 to use a qualified contractor to conduct
8 preapplication review of an application; requiring the
9 governing body to establish certain processes;
10 providing specifications for such program; providing
11 that the program must require a local government to
12 approve an application upon the applicant's submittal
13 of the application with an affidavit verifying certain
14 information; requiring the local government to approve
15 the application in a specified timeframe; prohibiting
16 the development services office of a local government
17 from conducting any additional review of certain
18 documents that were subject to preapplication review;
19 providing an exception; prohibiting a local government
20 from enacting certain requirements that would regulate
21 an applicant's ability to use and otherwise interact
22 with a qualified contractor pursuant to the program;
23 providing an exception; requiring the development
24 services office of a local government to establish a
25 registry of a specified number of qualified

26 contractors to be used to conduct preapplication
27 reviews; prohibiting the development services office
28 from adding a qualified contractor or a firm to the
29 registry upon such entity's request under certain
30 conditions; authorizing the development services
31 office of a local government to register less than the
32 specified number of qualified contractors under
33 certain circumstances; authorizing a local government
34 to enter into an agreement with a neighboring local
35 government under certain circumstances; prohibiting a
36 local government from adding its own employees to the
37 registry; authorizing an applicant to use a qualified
38 contractor of his or her choosing to perform the
39 preapplication review under certain circumstances;
40 requiring the governing body of the local government
41 receiving such application to accept and process the
42 application without undue conditioning, denial, or
43 delay; providing an exception; specifying requirements
44 for contracts between a local government and a
45 qualified contractor pursuant to this act; requiring a
46 local government to apply the same material terms for
47 certain contract provisions to contracts with
48 qualified contractors as it does in materially similar
49 contracts; requiring local government contracts with
50 qualified contractors to be as favorable and as

51 stringent as contracts with private contractors
52 performing comparable services; prohibiting a local
53 government from enforcing any additional criteria for
54 qualified contractors beyond what is authorized by the
55 act; nullifying any such criteria; specifying
56 requirements for contracts entered into with qualified
57 contractors; specifying minimum insurance requirements
58 for qualified contractors; providing construction;
59 providing severability; authorizing an applicant to
60 select a qualified contractor or firm from the
61 registry; prohibiting the applicant from directly
62 paying the qualified contractor; requiring such
63 payments be made to the local government; requiring
64 the local government to pay the qualified contractor
65 within a specified timeframe; requiring a local
66 government to reduce an application fee under certain
67 circumstances; specifying requirements for the
68 calculation of such fee reduction; prohibiting a local
69 government from imposing a surcharge, but authorizing
70 the charge of an administrative fee for the use of a
71 qualified contractor to conduct preapplication review;
72 specifying requirements for such administrative fee;
73 requiring any fee collected to be based on costs
74 actually incurred pursuant to preapplication review;
75 requiring the development services office of a local

76 government to provide a qualified contractor with
77 equal access to resources; requiring the development
78 services office to protect against the disclosure of
79 confidential records; requiring a local government to
80 process an application in a specified timeframe if an
81 applicant does not use a qualified contractor for
82 preapplication review; authorizing an applicant to use
83 a qualified contractor at the sole expense of the
84 local government under certain circumstances;
85 providing for the automatic approval of applications
86 under certain circumstances; requiring a qualified
87 contractor to conduct a preapplication review for only
88 the disciplines the qualified contractor is licensed
89 or certified; prohibiting a qualified contractor from
90 conducting preapplication review under certain
91 circumstances; requiring a qualified contractor to
92 determine whether the application is in compliance
93 with certain regulations and to work with the
94 applicant to resolve deficiencies; requiring a
95 qualified contractor to submit an affidavit to the
96 development services offices certifying certain
97 information upon a determination that the application
98 complies with certain provisions; specifying
99 requirements for such affidavit; requiring the
100 development services office to approve or deny an

101 application upon receipt; specifying requirements for
102 the development services office if an application is
103 denied; providing construction; prohibiting a
104 development services office or local government from
105 authorizing any law or provision that has the effect
106 of modifying, impairing, or nullifying the act;
107 prohibiting a local government from relying on any law
108 or provision that regulates this act; authorizing a
109 local government to establish a registration system to
110 verify whether a qualified contractor or related
111 entity is in compliance with certain requirements;
112 providing preemption; providing that qualified
113 contractors are subject to certain disciplinary
114 guidelines; requiring that any complaint investigation
115 or discipline that may arise out of a qualified
116 contractor's preapplication review be conducted by a
117 certain professional board; prohibiting a development
118 services office or local government from auditing a
119 qualified contractor's preapplication review until
120 such entity creates standard auditing procedures;
121 specifying requirements for such procedures; requiring
122 that such audit procedures be publicly accessible;
123 requiring that the results of such audit be made
124 publicly available and updated on a specified basis;
125 providing a limit on audit frequency; providing an

exception; providing immunity for specified entities; authorizing local governments, school districts, or independent special districts to use qualified contractors for preapplication review for certain projects; authorizing applicants to bring civil actions under certain circumstances; defining the term "prevailing party"; providing for the award of attorney fees, costs, and damages; providing exceptions; amending s. 177.071, F.S.; prohibiting local governments from creating or establishing additional regulations for the approval of a final plat; requiring a local government to designate a certain administrative authority to take certain actions relating to the approval of infrastructure assurances; requiring a local government to accept certain forms of surety instruments; amending s. 177.073, F.S.; revising the definition of the term "applicant"; requiring the governing body of certain local governments and counties to create a program to expedite the process for building permits for planned unit developments or phases of a community or subdivision; specifying requirements for applicants, qualified contractors, and the governing body of a local government in the event that the local government fails to update or modify a certain program

151 by a specified date; providing construction; requiring
152 a governing body to create a two-step application
153 process under certain circumstances; revising
154 requirements for such application process; authorizing
155 an applicant to use a qualified contractor for land
156 use approvals under certain circumstances; authorizing
157 an applicant to retain a private provider or qualified
158 contractor to process, review, and expedite an
159 application for a preliminary plat or related plans
160 under certain circumstances; defining "conflict of
161 interest"; requiring an applicant to replace a
162 qualified contractor or private provider if a conflict
163 of interest is discovered; prohibiting a governing
164 body from restricting an applicant's use of a private
165 provider or qualified contractor under certain
166 circumstances; requiring a governing body to treat
167 documents submitted by a private provider or an
168 applicant in the same manner as they treat other
169 documents submitted by certain individuals;
170 authorizing a governing body to take certain actions;
171 prohibiting a governing body from imposing certain
172 requirements; requiring an applicant to be responsible
173 for certain fees and costs; voiding and preempting
174 conflicting provisions; defining the term "approved
175 plans"; providing construction; prohibiting a local

government from conditioning, delaying, withholding,
or denying the issuance of any permit under certain
circumstances; authorizing a local government to waive
certain bonding requirements under certain
circumstances; revising the circumstances under which
an applicant has a vested right in a preliminary plat;
providing for preemption; prohibiting any unit of
government from taking certain actions or otherwise
regulating any processes, approvals, permits, plans,
or activities related to land development in a more
stringent manner than is required by the act;
prohibiting a local government from imposing any
measure that would have the effect of conflicting with
the act; voiding and preempting conflicting
provisions; prohibiting a local government from
enacting any law or rule related to building permits
which is more strict than those enacted by a state
agency governing the same activity and resource;
providing that such requirement does not apply to
certain floodplain management ordinances; providing an
effective date.

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

Section 1. Section 163.3169, Florida Statutes, is created

201 **to read:**

202 163.3169 Using qualified contractors in local planning and
203 permitting decisions.—

204 (1) LEGISLATIVE FINDINGS.—

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

209 (b) The Legislature further recognizes that numerous local
210 governments implement innovative planning and development
211 strategies by using the private sector to supplement the needs
212 of government and to keep pace with increasing populations,
213 unmet demands for housing, and continuing budget constraints. To
214 continue meeting future growth demands, all local governments
215 shall use all available resources to ensure that private
216 property owners seeking to build or develop the next generation
217 of this state's housing supply are not burdened by limited local
218 government workforces and can by right use a qualified
219 contractor from the private sector to responsibly review
220 applications as submitted and authorized under this section.

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

222 (a) "Applicant" means a developer, homebuilder, or
223 property owner who files an application with a development
224 services office of the governing jurisdiction, which may be
225 submitted and authorized by a qualified contractor, pursuant to

226 this section.

227 (b) "Application" means a properly completed and submitted
228 request for a permit, plans review, or plat approval, including
229 final or preliminary plats, or other types of approvals as
230 deemed necessary by the land development regulations from a
231 development services office. The request includes an affidavit
232 from a qualified contractor attesting that such permit
233 application, request for plans review, or plat approval complies
234 with the land development regulation and any applicable fee. The
235 term does not include plans or permits as reviewed under s.
236 553.791.

237 (c) "Audit" means a limited, post-submittal verification
238 process conducted solely to confirm that a qualified
239 contractor's preapplication review supports the findings in the
240 required affidavit, demonstrates that the review was performed
241 in accordance with the normal and customary professional
242 practices for the applicable discipline, and that the
243 affidavit's findings are supported by competent and substantial
244 evidence. An audit under this section may not replicate, redo,
245 or substitute for the preapplication review performed by the
246 qualified contractor, and may not go beyond the scope of
247 verifying performance, customary practice, and evidentiary
248 support, unless expressly authorized by this section.

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

251 responsible for reviewing applications for compliance with the
252 local government's land development regulations and other
253 applicable federal, state, and local requirements. This office
254 may be substantively identical to or housed within the local
255 government's planning and zoning department.

256 (e) "Development services official" means the individual
257 in the development services office of the governing jurisdiction
258 responsible for the direct regulatory administration or
259 supervision of the review and approval process required to
260 indicate compliance with applicable land development
261 regulations. The term includes any duly authorized designee of
262 such person. This individual may be the executive director of
263 the governing body of a local government or the division
264 director of the local government's planning and zoning
265 department.

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

267 (g) "Governing body" has the same meaning as in s.
268 163.3164.

269 (h) "Land development regulations" means ordinances
270 enacted by governing bodies for the regulation of any aspect of
271 development and includes any local government zoning, rezoning,
272 subdivision, building construction, or sign regulations, or any
273 other regulations controlling the development of land.

274 (i) "Local government" means a county, a municipality, or
275 a district created pursuant to chapter 189 or chapter 190.

276 (j) "Permit" means an authorization, approval, or grant by
277 a local governing body or development services office that
278 permits the development of land, including any zoning permit,
279 subdivision approval, rezoning, special exception, variance, or
280 any other application, as necessary.

281 (k) "Plans" means site engineering plans or site plans, or
282 their functional equivalent, submitted by an applicant to a
283 qualified contractor or duly authorized representative for
284 review.

285 (l) "Preapplication review" means the analysis conducted
286 by a qualified contractor of the permits, plans, or plats,
287 including final or preliminary plats, to ensure compliance with
288 the applicable land development regulations, and which is part
289 of the application as authorized under this section.

290 (m) "Preliminary plat" means a map or delineated
291 representation of the subdivision of lands which is a complete
292 and exact representation of the residential subdivision or
293 planned community, and contains any additional information
294 needed to comply with the requirements of chapter 177.

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

300 1. An engineer or engineering firm licensed under chapter

301 471.

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

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

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

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

310 6. A local government employee.

311 (o) "Single-trade review" means any review focused on a
312 single component of an application, such as engineering,
313 surveying, planning, or architectural.

314 (3) REQUIREMENTS.—

315 (a) By October 1, 2026, the governing body of a local
316 government shall create a program by which a development
317 services office authorizes an applicant to use a qualified
318 contractor to conduct a preapplication review of any plans,
319 permits, or plats submitted in an application. The governing
320 body must establish the processes by which an applicant may
321 submit an application for approval to the local government,
322 following a preapplication review conducted by a qualified
323 contractor. The program must specify at least all of the
324 following:

325 1. The manner in which the development services office

326 enters into a contract with a qualified contractor.

327 2. Minimum requirements for selection as a qualified
328 contractor for the program, including verification of current
329 licensure or certification status and review of any adverse
330 actions, discipline, or restrictions imposed by the applicable
331 professional licensing board. A local government may not
332 consider or require as criteria for selection or qualification
333 the contractor's years of experience, geographic location, or
334 any prior or existing work for or with the local government.

335 3. The minimum and maximum hourly rates that a qualified
336 contractor may charge an applicant, comparable to market
337 averages.

338 4. Other necessary and indispensable procedural
339 requirements to implement this section, such as requirements
340 relating to intake, payment, recordkeeping, and notice
341 processes. Additional requirements may not conflict with or
342 impair the intent of this section; may not add to, modify,
343 limit, or condition the rights, duties, standards, scope,
344 qualifications, or effects established by this section; and may
345 not impose any substantive review criteria, terms, or conditions
346 on applicants or qualified contractors.

347 (b) The program must require a local government to approve
348 an application upon the submission of such application with an
349 affidavit verifying that the application, as submitted to the
350 qualified contractor for preapplication review, complies with

the applicable land development regulations. The program may not impose additional terms, conditions, or duplicative review processes. The application must be approved by the local government within the specified timeframes under ss. 125.022 and 166.033. The development services office shall not conduct any additional review of the permits, plans, or plats, including final or preliminary plats, subject to the preapplication review, except as expressly authorized by this section. A local government may not enact any requirement to the program that would complicate or impair the applicant's ability to use a qualified contractor pursuant to the program, or otherwise regulate the selection, scope, timing, methods, or fees of a qualified contractor's preapplication review, except as expressly authorized by this section.

(4) REGISTRY.—

(a) The development services office of a local government shall establish a registry of at least six qualified contractors, or, for local governments serving populations of less than 10,000, a registry including no less than three qualified contractors, whom the local government shall use to conduct preapplication reviews pursuant to the program. If the minimum requirements for the qualified contractor specified in subparagraph (3)(a)2. are met, the development services office does not have discretion to add a qualified contractor or qualified contractor firm to the registry upon such entity's

376 request to be added to the registry.

377 (b) If, after making reasonable efforts, less than six
378 qualified contractors are available, or if less than three
379 qualified contractors are available for local governments
380 serving populations of less than 10,000, the development
381 services office shall register any willing available qualified
382 contractors that meet the requirements of subparagraph (3)(a)2.

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

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

390 (a) If any of the following conditions exist, an applicant
391 who elects to participate in the program must have the
392 unconditional right to use a qualified contractor of his or her
393 choice, as long as the qualified contractor satisfies the
394 minimum requirements in subparagraph (3)(a)2. for preapplication
395 review:

396 1. The governing body of a local government fails to
397 create the program established pursuant to subsection (3) before
398 October 1, 2026.

399 2. The development services office of the local government
400 fails to create the registry as required pursuant to subsection

401 (4) .

402 3. The registry created pursuant to subsection (4) does
403 not consist of the requisite number of qualified contractors.

404 (b) The local government must approve such application
405 pursuant to this subsection and may not condition, deny, delay,
406 or otherwise contest the applicant's selection or use of the
407 qualified contractor, except upon a written determination
408 supported by competent substantial evidence that the qualified
409 contractor has a conflict of interest with the applicant, as
410 defined in s. 112.312, or under any stricter conflict of
411 interest standards applicable to the contractor's professional
412 license.

413 (6) CONTRACT TERMS; UNIFORMITY; INSURANCE.—

414 (a) A contract entered into by a local government with a
415 qualified contractor under this section must contain terms and
416 conditions that are consistent with, and as strict as, the
417 requirements of this section. A local government may not include
418 any contractual term, condition, policy, procedure, or
419 specification that has the effect of expanding, modifying, or
420 restricting the rights, obligations, or processes established by
421 this section.

422 (b) A local government shall apply the same material terms
423 governing payment, performance standards, deliverables,
424 timelines, notices, curing, and oversight to contracts with
425 qualified contractors, as it applies to materially similar

contracts for services procured from private contractors for comparable scope and complexity. A local government may not impose different or more burdensome payment terms, performance obligations, audit or reporting requirements, or oversight mechanisms on qualified contractors than those applied to private contractors providing comparable services. If the local government uses substantially similar contracts for private contractors performing comparable services, the contracts governing qualified contractors must be no less favorable than the contracts applied to private contractors, and may not be more stringent than the terms that would apply to a similarly situated private contractor.

(c) A local government may not, by contract or otherwise, establish, apply, or enforce any additional criteria, qualifications, prerequisites, certifications, rating systems, experience thresholds, or approval conditions for qualified contractors beyond those expressly authorized by this section and applicable state professional licensure requirements. Any term or condition that purports to create additional criteria or qualifications beyond those authorized by this section is void.

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

451 private sector providers. The standard contract shall, at a
452 minimum, address scope of services, compensation, invoicing,
453 delivery schedules, termination, dispute resolution, audits
454 limited to compliance with this section, records retention
455 consistent with public records laws, and professional
456 responsibility. A local government may not draft or apply
457 standard terms in a manner that undermines or frustrates the
458 purpose and operation of this section.

459 (e) Insurance requirements for qualified contractors must
460 be commensurate with the estimated value, scope, and risk
461 profile of the services to be performed under the contract and
462 must align with commercially reasonable standards for similarly
463 situated professional services within the jurisdiction. A local
464 government may not impose insurance requirements that exceed
465 what is reasonably necessary for the specific engagement, that
466 exceed the minimum coverage required under applicable state
467 professional licensing laws absent a documented, project-
468 specific risk determination, or that operate as a barrier to
469 registration or participation by an otherwise qualified
470 contractor. Any insurance requirement must be stated with
471 specificity, including types and limits of coverage, and shall
472 allow the use of customary insurance instruments and
473 endorsements available in the admitted or surplus lines markets.

474 (f) A local government may not, through any contractual
475 provision, administrative interpretation, or implementation

476 practice, impose obligations on a qualified contractor which
477 frustrate, impair, or defeat the legislative intent or
478 requirements of this section, including by replicating
479 preapplication reviews, imposing duplicative performance
480 standards, or conditioning payment on approvals or reviews not
481 authorized by this section. Any contractual provision that
482 conflicts with this section or frustrates its purpose is void
483 and unenforceable.

484 (g) This subsection shall be liberally construed to
485 effectuate the uniform treatment of qualified contractors
486 consistent with private sector contracting practices within the
487 jurisdiction, and to prohibit the indirect circumvention of this
488 section through contract terms. If any provision of this
489 subsection or its application to any person or circumstance is
490 held invalid, the invalidity does not affect other provisions or
491 applications of this subsection which can be given effect
492 without the invalid provision or application, and to this end
493 the provisions of this subsection are severable.

494 (7) PAYMENT, FEES, AND PREAPPLICATION REVIEW.—

495 (a) The applicant shall have sole discretion to choose a
496 qualified contractor or firm from the established registry under
497 subsection (4) to conduct a preapplication review. The applicant
498 may not pay the qualified contractor directly. Such payment must
499 be made to the local government as part of the application. The
500 local government shall ensure the qualified contractor or the

501 qualified contractor firm is paid within 30 days after
502 completion of services rendered pursuant to the application.

503 (b) If an applicant uses a qualified contractor for the
504 purposes of conducting a preapplication review, the local
505 government must reduce any application fee by the amount of cost
506 savings realized by the development services office for not
507 having to perform such services. Such reduction may be
508 calculated on a flat fee or percentage basis, or any other
509 reasonable means by which a development services office assesses
510 the cost for its application review.

511 1. A local government may not impose a surcharge for
512 preapplication review if the applicant uses a qualified
513 contractor to conduct a preapplication review; however, the
514 local government may charge a reasonable administrative fee,
515 which must be based on the cost that is actually incurred,
516 including the labor cost of the personnel providing the service,
517 by the local government or attributable to the local
518 jurisdiction for the clerical and supervisory assistance
519 required, or both.

520 2. Any fee collected must be based on costs actually
521 incurred pursuant to the preapplication review of an application
522 submitted pursuant to this section.

523 (c) If an applicant uses a qualified contractor to conduct
524 a preapplication review, the development services office must
525 provide the qualified contractor with equal access to the data,

resources, documents, reports, and other information reasonably necessary to perform that review. Such access must be provided only by means that prevent the disclosure of records that are confidential or exempt from public inspection or copying under chapter 119, or any other applicable provision of law protecting private or exempt records, including, but not limited to, secure software portals, access controls, or redaction protocols that safeguard exempt information.

(d) If an applicant does not use a qualified contractor pursuant to this section, the local government must process the application within the specified timeframes under ss. 125.022 and 166.033. The local government shall use all available resources to ensure compliance with such timeframes. If the local government fails to process the application within such timeframes, the applicant may use a qualified contractor at the sole expense of the local government, as long as the qualified contractor does not have a conflict of interest with the applicant, to review the permits, plans, or plats, including final and preliminary, subject to the preapplication review. If the applicant uses a qualified contractor for preapplication review pursuant to this paragraph, such application must be approved automatically when the local government receives an affidavit from the qualified contractor, and subsection (10) does not apply.

(8) RESTRICTIONS ON PREAPPLICATION REVIEW.—A qualified

551 contractor must conduct preapplication review only for
552 applications relating to the disciplines covered by such
553 qualified contractor's or qualified contractor firm's licensure
554 or certification granted pursuant to chapter 471, chapter 472,
555 or chapter 481, or as certified by the American Institute of
556 Certified Planners, including single-trade review. A qualified
557 contractor may not conduct a preapplication review pursuant to
558 this section if the qualified contractor or the qualified
559 contractor firm is used by the applicant for the same project
560 that is the subject of the application.

561 (9) AFFIDAVIT REQUIREMENTS.—

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

574 1. The preapplication review was conducted by the affiant,
575 who is duly authorized to perform a preapplication review

576 pursuant to this section and holds the appropriate license or
577 certificate.

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

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

585 (10) AUTHORIZATION AND APPROVAL.—

586 (a) Upon receipt of an application accompanied by an
587 affidavit of the qualified contractor pursuant to subsection
588 (9), the development services office must review and approve or
589 deny such application.

590 (b) Upon the denial of such application, the office must
591 provide written notice to the applicant, specifically
592 identifying any aspects of the application which do not comply
593 with this section; applicable land development regulations;
594 comprehensive plan regulations, ordinances, or codes; and the
595 reasons the application was denied, as well as the specific code
596 chapters and sections, within 10 business days after receipt of
597 the application and affidavit. If the development services
598 office does not provide written notice to the permit applicant
599 within 10 business days, the application shall be deemed
600 approved as a matter of law, and the development services office

601 must issue the authorization or approval of the application by
602 the following business day.

603 (c) The development service office's approval or denial of
604 an application may not be construed as an evaluation of the
605 preapplication review conducted by the qualified contractor.

606 (11) CONSTRUCTION.—

607 (a) Notwithstanding any other law, charter provision,
608 ordinance, regulation, policy, practice, or exercise of police
609 or regulatory powers, a development services office or local
610 government may not adopt, interpret, apply, condition, enforce,
611 or otherwise give effect to any law, rule, ordinance, charter
612 provision, resolution, procedure, policy, guidance, standard,
613 qualification, fee, surcharge, contractual term, or
614 administrative or quasi-judicial practice that, directly or
615 indirectly, imposes any requirement, restriction, delay, review,
616 approval, denial, condition, audit, inspection, or other barrier
617 to an applicant's use of this section, or is more stringent
618 than, augments, supplements, conflicts with, frustrates,
619 circumvents, or has the effect of modifying, impairing, or
620 nullifying the express terms, purposes, or operation of this
621 section.

622 (b) A local government may not invoke, construe, or rely
623 upon any other provision of general law, special law, home rule
624 authority, comprehensive plan policy, land development
625 regulation; building, zoning, or subdivision requirement; or any

626 public safety, health, welfare, or nuisance authority to expand,
627 supplement, supersede, or diminish the rights, processes,
628 timelines, approvals, or remedies established by this section,
629 nor may any local government condition the acceptance,
630 processing, or approval of an application authorized by this
631 section in compliance with any additional or different
632 requirements not expressly authorized herein.

633 (c) A development services office or local government may
634 establish a registration system to verify whether a qualified
635 contractor, a qualified contractor firm, or a duly authorized
636 representative working alongside such entities is in compliance
637 with licensure requirements and all applicable insurance
638 requirements for holding the professional license.

639 (d) Any local provision or action inconsistent with this
640 subsection is preempted, void, and unenforceable to the extent
641 of the inconsistency, and this section shall control and be
642 given full force and effect over any conflicting or more
643 stringent provision of law, whether general, special, or local,
644 including any charter or home rule provision, without regard to
645 the order or time of enactment.

646 (12) DISCIPLINARY GUIDANCE.—When performing a
647 preapplication review, a qualified contractor is subject to the
648 disciplinary guidelines of the applicable professional board
649 with jurisdiction over his or her license or certification under
650 chapter 471, chapter 472, or chapter 481. Any complaint

651 investigation or discipline that may arise out of a qualified
652 contractor's preapplication review shall be conducted by the
653 applicable professional board.

654 (13) AUDIT PROCEDURES.—

655 (a) A development services office or local government may
656 not audit the preapplication review of a qualified contractor
657 operating within the local government's jurisdiction until the
658 development services office or local government has created
659 standard auditing procedures for its internal inspection and
660 review staff. Such procedures must include, but are not limited
661 to, all of the following:

662 1. The purpose and scope of the audit.

663 2. The audit criteria.

664 3. A framework for audit processes and procedures for a
665 qualified contractor to file an objection to such audit's
666 findings.

667 4. A framework for documenting detailed findings of areas
668 of noncompliance.

669 (b) Such audit procedures must be publicly available
670 online, and a printed version must be readily accessible in the
671 development services office or local government buildings.

672 (c) The results of such audits must be made publicly
673 available and must be updated at least every 6 months. The
674 office's audit processes must adhere to the office's posted
675 standard audit procedures. A qualified contractor or qualified

676 contractor firm may not be audited more than four times a year,
677 unless the development services office determines a condition of
678 an application constitutes an immediate threat to public safety
679 and welfare, which must be communicated in writing to the
680 qualified contractor or qualified contractor firm.

681 (14) IMMUNITY.—The development services office,
682 development services officials, and the local government shall
683 be immune from liability to any person or party for any action
684 or inaction by an applicant, a qualified contractor, or a
685 qualified contractor firm or its duly authorized representative,
686 in connection with a preapplication review as authorized in this
687 act. Any qualified contractor or qualified contractor firm
688 retained by the local government under contract to review any
689 application filed with the local government pursuant to this
690 section shall be considered an agent of the local government in
691 determining the state insurance coverage and sovereign immunity
692 protection applicability of ss. 284.31 and 768.28.

693 (15) PREAPPLICATION REVIEW FOR SPECIFIED ENTITIES.—
694 Notwithstanding any other law, a county, a municipality, a
695 school district, or an independent special district may use a
696 qualified contractor to provide preapplication or application
697 reviews for a public works project by the county, municipality,
698 school district, or independent special district.

699 (16) CIVIL ACTIONS AUTHORIZED.—

700 (a) An applicant may bring a civil action for declaratory

701 or injunctive relief against a county or municipality for a
702 violation of this section. In any such action, the court shall
703 award the applicant its reasonable attorney fees and costs,
704 including reasonable appellate attorney fees and costs, if the
705 court determines that the applicant is the prevailing party. For
706 purposes of this paragraph, the term "prevailing party" means
707 the party that obtains an enforceable judgment, order, or
708 comparable court-sanctioned relief on the merits which
709 materially alter the legal relationship of the parties in that
710 party's favor, including the granting of declaratory or
711 injunctive relief or the dismissal with prejudice of the
712 opposing party's claims. The term does not include a party whose
713 objectives are achieved solely by the voluntary cessation of
714 challenged conduct absent a judicial determination or other
715 relief bearing the court's imprimatur. If neither party prevails
716 on the significant issues, or if both parties prevail in part,
717 the court may determine that no party is the prevailing party
718 and may equitably apportion fees and costs.

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

721 1. The applicant provides the governing body of the county
722 or municipality written notice that it is in violation of this
723 section; and

724 2. The governing body of the county or municipality
725 complies with this section within 14 days or issues the

726 authorization or approval request within 14 days.

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

729 177.071 Administrative approval of plats or replats by
730 designated county or municipal official.—

731 (1)

732 (c) The local government may not create or establish any
733 additional regulations or requirements that the applicant must
734 meet for the approval of a final plat. Local governments
735 requiring infrastructure assurances in connection with a final
736 plat approval shall designate the same administrative authority
737 as designated in paragraph (a) to receive and administratively
738 approve or accept the surety instrument. The local government
739 shall accept all commonly used forms of surety instruments or
740 alternative forms of financial assurances, including, but not
741 limited to, performance bonds, letters of credit, escrow
742 agreements, or cash escrow with the county.

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

749 177.073 Expedited approval of residential building permits
750 before a final plat is recorded.—

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

752 (a) "Applicant" means a homebuilder or developer who files
753 an application with the local governing body to identify the
754 percentage of planned homes, or the number of building permits,
755 that the local governing body must issue for a residential
756 subdivision, planned unit development, or one or more phases in
757 a multi-phased planned community, subdivision, or planned
758 community.

759 (2)(a) By October 1, 2024, the governing body of a county
760 that has 75,000 residents or more and any governing body of a
761 municipality that has 10,000 residents or more and 25 acres or
762 more of contiguous land that the local government has designated
763 in the local government's comprehensive plan and future land use
764 map as land that is agricultural or to be developed for
765 residential purposes shall create a program to expedite the
766 process for issuing building permits for residential
767 subdivisions, planned unit developments, one or more phases of a
768 community or subdivision, or planned communities in accordance
769 with the Florida Building Code and this section before a final
770 plat is recorded with the clerk of the circuit court. The
771 expedited process must include an application for an applicant
772 to identify the percentage of planned homes, ~~not to exceed 50~~
773 ~~percent of the residential subdivision or a~~ planned community,
774 or the number of building permits that the governing body must
775 issue for the residential subdivision or planned community. The

776 application or the local government's final approval may not
777 alter or restrict the applicant from receiving the number of
778 building permits requested, so long as the request does not
779 exceed 50 percent of the planned homes of the residential
780 subdivision or planned community or the number of building
781 permits. This paragraph does not:

782 1. Restrict the governing body from issuing more than 50
783 percent of the building permits for the residential subdivision
784 or planned community.

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

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

796 (d) If a governing body fails to adopt a program under
797 paragraph (2)(a) or paragraph (2)(c), or fails to update or
798 modify an existing program as required under paragraph (2)(b) by
799 the applicable statutory deadline, the following will apply
800 without further action or approval by the governing body and

801 notwithstanding any conflicting local requirement:

802 1. The applicant shall have an unconditional, self-
803 executing right to use a qualified contractor of the applicant's
804 choosing to obtain up to 75 percent of the building permits for
805 the residential subdivision, planned unit development, or
806 planned community, including one or more phases thereof, before
807 the final plat is recorded, provided the qualified contractor
808 does not have a conflict of interest with the applicant. For the
809 purpose of this paragraph, "conflict of interest" has the same
810 meaning as in s. 112.312.

811 2. The governing body, local building official, and any
812 local government staff may not condition, delay, limit,
813 restrict, obstruct, or deny the applicant's use of a qualified
814 contractor under this paragraph, including by imposing any
815 application, review, approval, staffing, procurement,
816 qualification, preapproval, or selection requirements on the
817 qualified contractor other than those expressly required by
818 state law and the Florida Building Code. Any ordinance,
819 resolution, policy, practice, contract, or requirement to the
820 contrary is preempted and void to the extent of the conflict
821 with this paragraph.

822 3. The qualified contractor may perform all services
823 within the scope of his or her licensure and qualifications
824 which are necessary or incidental to obtaining such building
825 permits, including preparing, reviewing, and submitting permit

826 applications and supporting plans, specifications, and
827 documents, and providing signed and sealed documents when
828 required by law. The local building official shall accept such
829 submissions when prepared and sealed by the qualified contractor
830 as meeting any local requirement that the submission be prepared
831 or reviewed by local government staff, and shall review and
832 issue the permits in accordance with the Florida Building Code
833 and applicable state law.

834 4. The governing body and the local building official may
835 not require the applicant or the qualified contractor to use a
836 local government registry, rotation, shortlist, or any other
837 selection or vetting process, and may not require any written
838 agreement, indemnification, fees, or other conditions specific
839 to the use of a qualified contractor under this paragraph,
840 except for standard building permit fees otherwise applicable to
841 all building permit applications, and any fees expressly
842 authorized by state law.

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

851 paragraph.

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

862 (3) A governing body shall create:

863 (a) A two-step application process for the adoption of a
864 preliminary plat, and for stabilized access roads that can
865 support emergency vehicles, ~~inclusive of any plans,~~ in order to
866 expedite the issuance of building permits under this section.
867 The application must allow an applicant to identify the
868 percentage of planned homes or the number of building permits
869 that the governing body must issue for the residential
870 subdivision, ~~or~~ planned community, planned unit development, or
871 one or more phases of a multi-phased planned community or
872 subdivision.

873 (4) (a) An applicant may use a private provider or
874 qualified contractor for land use approvals in the same manner
875 as provided in ~~pursuant to~~ s. 553.791 to expedite the

876 application process for any plans necessary to support the
877 approval of a site plan, preliminary or final plat, or building
878 permits after a preliminary plat is approved under this section.

879 (b) A governing body shall establish a registry of at
880 least six ~~three~~ qualified contractors whom the governing body
881 may use to supplement staff resources in ways determined by the
882 governing body for processing and expediting the review of an
883 application for a preliminary plat or any plans related to such
884 application. A qualified contractor on the registry who is hired
885 pursuant to this section to review an application, or any part
886 thereof, for a preliminary plat, or any part thereof, may not
887 have a conflict of interest with the applicant. For purposes of
888 this paragraph, the term "conflict of interest" has the same
889 meaning as in s. 112.312.

890 (c) If a governing body fails to establish or maintain the
891 registry required under paragraph (b), an applicant may, at its
892 sole discretion, retain a private provider or qualified
893 contractor of the applicant's choosing to process, review, and
894 expedite any application for a preliminary plat, or any plans
895 related to such application, provided that the selected private
896 provider or qualified contractor does not have a conflict of
897 interest with the applicant. For purposes of this paragraph, the
898 term "conflict of interest" has the same meaning as in s.
899 112.312. If a conflict of interest is identified after
900 selection, the applicant must promptly replace the private

901 provider or qualified contractor with one who has no conflict of
902 interest, and the governing body must continue processing
903 without delay or prejudice.

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

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

(b) The applicant provides proof to the governing body that the applicant has provided a copy of the approved preliminary plat, along with the approved plans, to the relevant electric, gas, water, and wastewater utilities. For purposes of this paragraph, "approved plans" means plans approved for design and permit review and does not include, and may not be construed to require or imply, any certification, attestation, or confirmation of the completion of construction of any subdivision or planned community infrastructure, or improvements depicted in, referenced by, or required under such plans, except for the construction of the minimum access and roadway improvements required by the Florida Fire Prevention Code for fire department access and operations, such as a stabilized roadway for emergency access. No other subdivision or planned community infrastructure or improvements may be required to be constructed as a condition of permit issuance or approval.

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

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

b. The submission, acceptance, or approval of any certification of completion or similar documentation, including,

951 but not limited to, certificates of completion, substantial
952 completion, engineer's or architect's certifications of
953 completion, as-built or record drawings, pressure or compaction
954 test results, utility acceptance letters, service availability
955 letters, or similar confirmations of finished construction or
956 readiness for service.

957 2. This prohibition applies notwithstanding any ordinance,
958 resolution, policy, practice, development order, permit
959 condition, concurrency or proportionate-share requirement,
960 development agreement, interlocal agreement, utility policy or
961 standard, or any other local requirement to the contrary.

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

969 (c) The applicant holds a valid performance bond for up to
970 130 percent of the necessary improvements, as defined in s.
971 177.031(9), that have not been completed upon submission of the
972 application under this section. For purposes of a master planned
973 community as defined in s. 163.3202(5)(b), a valid performance
974 bond is required on a phase-by-phase basis. For purposes of this
975 section, a local government may waive the bonding requirement in

976 this paragraph through its program or on a case-by-case basis
977 upon request of the applicant.

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

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

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

988 (11) (a) Notwithstanding any other law, this section is an
989 express and exclusive preemption of the regulation of the
990 activities governed by this section to the state. A county,
991 municipality, special district, or other political subdivision
992 may not create, adopt, enact, amend, interpret, implement,
993 condition, deny, delay, or otherwise regulate any aspect of the
994 processes, approvals, permits, plans, or activities authorized
995 by or arising under this section in any manner that is
996 inconsistent with, more stringent than, or in addition to the
997 requirements established by this section or an applicant's
998 rights and approvals under this section. A local government may
999 not impose, as a condition of any approval or permit authorized
1000 by this section, any requirement, standard, study, report,

review, timing or sequencing condition, development order
condition, performance measure, level-of-service or concurrency
determination, exaction, conformity or consistency
determination, or other obligation derived from or contained in
the local government's charter, ordinances, codes, policies,
procedures, resolutions, administrative practices, comprehensive
plan, future land use map, land development regulations, or any
related manual, guideline, or technical standard, if such
requirement would alter, restrict, delay, add to, or otherwise
conflict with the provisions of this section or the approvals
contemplated herein. Any ordinance, resolution, policy,
practice, procedure, plan provision, development order
condition, or other local requirement that purports to regulate
matters preempted by this subsection, or that is inconsistent
with or more stringent than this section, is expressly
preempted, superseded, and void to the extent of the conflict.

(b) Notwithstanding any other law, in reviewing,
processing, or acting on any application for a building permit
under this section, a local government, including its
development services office and local building official, may not
use, enforce, or apply any local ordinance, regulation, policy,
condition, practice, or criterion relating to environmental
protection or natural resources that is substantially similar
to, duplicative of, or more stringent than a state regulatory
program adopted, implemented, or enforced by a state agency

governing the same activity or resource, and shall instead rely upon the applicable state program's standards, approvals, permits, and conditions as determinative of compliance for such environmental or natural resource matters. This paragraph does not apply to local floodplain management ordinances adopted to comply with or participate in the National Flood Insurance Program, nor does it prohibit a local government from doing any of the following:

1. Enforcing the Florida Building Code, Florida Fire Prevention Code, or other state preempted life-safety standards.

2. Implementing a state environmental or natural resource program pursuant to an express delegation, interlocal agreement, or contract that requires local implementation of state standards without imposing requirements more stringent than the delegated state program.

3. Applying neutral, generally applicable administrative procedures, timelines, and submittal requirements necessary to process building permits which do not establish substantive environmental or natural resource standards in addition to or more stringent than those of the state program. Any conflicting local provision is preempted and of no force or effect to the extent of the conflict.

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