

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 a
8 preapplication review of an application; requiring the
9 governing body to establish certain processes;
10 providing specifications for such program; prohibiting
11 certain additional requirements; requiring a local
12 government to deem an application that satisfies
13 specified provisions administratively complete for
14 certain purposes; prohibiting the program from
15 imposing additional terms, conditions, or duplicative
16 review processes; providing that the program may allow
17 for the review of ownership authorizations for the
18 development of the property; providing construction;
19 requiring the development services office of a local
20 government to establish a registry of a specified
21 number of qualified contractors to conduct
22 preapplication reviews; authorizing the development
23 services office of a local government to register more
24 or fewer than the specified number of qualified
25 contractors under certain circumstances; authorizing a

26 | local government to enter into an agreement with
27 | another local government under certain circumstances;
28 | prohibiting a local government from adding its own
29 | employees to the registry; requiring a local
30 | government to use certain contract terms and
31 | conditions; prohibiting a local government from
32 | drafting or applying contractual terms that impose
33 | certain obligations on qualified contractors;
34 | requiring an applicant to have the right to use a
35 | qualified contractor of his or her choosing to perform
36 | the preapplication review under certain circumstances;
37 | prohibiting a local government from conditioning,
38 | denying, delaying, or otherwise contesting an
39 | applicant's selection or use of a qualified contractor
40 | of his or her choosing, except upon a certain
41 | determination; providing that an applicant has sole
42 | discretion to choose a qualified contractor from the
43 | registry; specifying requirements for payment to the
44 | qualified contractor; requiring a local government to
45 | reduce any application fee by a certain amount if the
46 | applicant uses a qualified contractor for
47 | preapplication review; specifying requirements for
48 | such fee reduction; requiring fees to be reasonably
49 | related to certain actual costs; requiring a
50 | development services office to provide a qualified

51 contractor conducting a preapplication review with
52 access to certain resources; providing construction;
53 requiring a local government to conduct a
54 preapplication review within specified timeframes if
55 the applicant does not use a qualified contractor;
56 authorizing an applicant to use a qualified contractor
57 from the registry, at the expense of the local
58 government, if the local government fails to process
59 the application in the required time under certain
60 conditions; providing for the automatic acceptance of
61 certain applications; authorizing a qualified
62 contractor to conduct preapplication reviews only of
63 applications relating to the disciplines covered by
64 the qualified contractor's licensure; prohibiting a
65 qualified contractor from conducting a preapplication
66 review under certain circumstances; requiring a
67 qualified contractor to determine if an application is
68 in compliance with specified regulations; requiring a
69 qualified contractor to work with the applicant to
70 resolve deficiencies; requiring a qualified contractor
71 to prepare an affidavit for the preapplication review
72 upon making a certain determination; specifying
73 requirements for such affidavit; requiring the
74 development services office to make a certain
75 determination on the application upon receipt of such

76 affidavit; requiring the development services office
77 to take certain actions upon its determination;
78 providing that an application determined to be
79 administratively complete does not constitute
80 substantive approval of the permit; providing
81 construction; prohibiting the development services
82 office from conducting duplicative review of the
83 permit subject to preapplication review; specifying
84 the purpose of the development services office's
85 review; prohibiting the development services office
86 from re-reviewing materials subject to preapplication
87 review; providing an exception; providing that
88 inconsistent local provisions are preempted, void, and
89 unenforceable; providing construction; providing
90 disciplinary guidelines; authorizing a local
91 government to audit the work of qualified contractors;
92 specifying requirements for such auditing procedures;
93 providing construction; authorizing specified entities
94 to provide preapplication reviews for public works
95 projects; authorizing a civil action; authorizing the
96 award of attorney fees and costs; defining the term
97 "prevailing party"; prohibiting the award of attorney
98 fees, costs, or damages under certain circumstances;
99 amending s. 177.071, F.S.; prohibiting local
100 governments from creating, establishing, or applying

101 specified additional regulations for the approval of a
102 final plat; requiring a local government to designate
103 a certain administrative authority to take certain
104 actions relating to the approval of infrastructure
105 assurances; requiring a local government to accept
106 certain forms of surety instruments; providing
107 requirements for local government review of such
108 surety instruments; amending s. 177.073, F.S.;
109 revising the definition of the term "applicant";
110 requiring the governing body of certain local
111 governments and counties to include multiphased
112 developments in a program that expedites the process
113 for building permits for planned unit developments or
114 phases of a community or subdivision; specifying
115 automatic actions in the event that the local
116 government fails to adopt, update, or modify a certain
117 program by a specified date; providing construction;
118 requiring a governing body to create a two-step
119 application process for stabilized access to roads
120 that can support emergency vehicles; revising
121 requirements for such application process; authorizing
122 an applicant to use a qualified contractor for land
123 use approvals under certain circumstances; increasing
124 the number of qualified contractors on a specified
125 registry; authorizing an applicant to retain a private

126 provider or qualified contractor to process, review,
127 and expedite an application for a preliminary plat or
128 related plans under certain circumstances; defining
129 the term "conflict of interest"; requiring an
130 applicant to replace a qualified contractor or private
131 provider if a conflict of interest is discovered;
132 prohibiting a governing body from restricting an
133 applicant's use of a private provider or qualified
134 contractor; requiring the governing body to accept,
135 process, and act upon the such private provider's or
136 qualified contractor's reviews, approvals,
137 recommendations, or certifications under certain
138 circumstances and in a specified manner; authorizing a
139 governing body to take certain actions; prohibiting a
140 governing body from imposing certain requirements;
141 requiring an applicant to be responsible for certain
142 fees and costs; voiding and preempting conflicting
143 provisions; defining the term "approved plans";
144 providing construction; prohibiting a local government
145 from conditioning, delaying, withholding, or denying
146 the issuance of certain permits under certain
147 circumstances; providing applicability; providing
148 construction; authorizing a local government to waive
149 certain bonding requirements under certain
150 circumstances; revising the circumstances under which

151 an applicant has a vested right in a preliminary plat;
152 providing an effective date.

153

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

155

156 **Section 1. Section 163.3169, Florida Statutes, is created**
157 **to read:**

158 163.3169 Using qualified contractors in development order
159 preapplication review.—

160 (1) LEGISLATIVE FINDINGS.—

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

165 (b) The Legislature further recognizes that numerous local
166 governments implement innovative planning and development
167 strategies by using the private sector to supplement the needs
168 of government and to keep pace with increasing populations,
169 unmet demands for housing, and continuing budget constraints. To
170 continue meeting future growth demands, all local governments
171 shall use all available resources to ensure that private
172 property owners seeking to build or develop the next generation
173 of this state's housing supply are not burdened by limited local
174 government workforces and can by right use a qualified
175 contractor from the private sector to responsibly review

176 applications as submitted and authorized under this section.

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

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

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

188 (c) "Audit" means a limited, post-submittal verification
189 process conducted solely to confirm that a qualified
190 contractor's preapplication review supports the findings in the
191 required affidavit, demonstrate that the review was performed in
192 accordance with the normal and customary professional practices
193 for the applicable discipline, and ensure that the affidavit's
194 findings are supported by the application.

195 (d) "Development services office" means the entity,
196 office, division, or department of a local government which is
197 responsible for reviewing applications for compliance with the
198 local government's land development regulations and other
199 applicable federal, state, and local requirements. This office
200 may be substantively identical to or housed within the local

201 government's planning and zoning department.

202 (e) "Development services official" means the individual
203 in the development services office of the governing jurisdiction
204 who is responsible for the direct regulatory administration or
205 supervision of the review and approval process required to
206 indicate compliance with applicable land development
207 regulations. The term includes any duly authorized designee of
208 such person. This individual may be the executive director of
209 the governing body of a local government or the division
210 director of the local government's planning and zoning
211 department.

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

213 (g) "Governing body" has the same meaning as in s.
214 163.3164.

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

218 (i) "Local government" means:

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

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

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

224 (j) "Permit" means an authorization, approval, or grant by
225 a local governing body or development services office that

226 authorizes the development of land as set forth therein for any
227 subdivision approval, plat approval, or site plan approval. For
228 the purposes of this section, a permit does not include the
229 review and approval of discretionary land use decisions, such as
230 rezonings, variances, special exceptions, conditional uses,
231 comprehensive plan amendments, or any other quasi-judicial land
232 use approval requiring a public hearing or findings supported by
233 competent substantial evidence.

234 (k) "Plans" means site engineering plans or site plans, or
235 their functional equivalent, submitted by an applicant to a
236 qualified contractor or duly authorized representative for
237 review.

238 (l) "Preapplication review" means the analysis of a permit
239 conducted by a qualified contractor to ensure compliance with a
240 comprehensive plan, chapter 177, and applicable land development
241 regulations, and which is part of the application as authorized
242 under this section.

243 (m) "Preliminary plat" means a map or delineated
244 representation of the subdivision of lands which is a complete
245 and exact representation of the residential subdivision or
246 planned community and contains any additional information needed
247 to comply with the requirements of chapter 177.

248 (n) "Qualified contractor" means the individual or firm
249 contracted with a development services office or local
250 government to conduct a preapplication review, and who is

251 included in the registry as required by this section. The term
252 includes, but is not limited to, any of the following:

253 1. An engineer or engineering firm licensed under chapter
254 471.

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

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

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

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

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

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

268 (3) REQUIREMENTS.—

269 (a) By January 1, 2027, the governing body of a local
270 government shall create a program by which a development
271 services office shall authorize an applicant to use a qualified
272 contractor to conduct a preapplication review of any permits
273 submitted in an application. The governing body shall establish
274 the processes by which an applicant may submit an application to
275 the local government, following a preapplication review

276 conducted by a qualified contractor. The program must specify,
277 at a minimum, all of the following:

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

280 2. Minimum requirements for selection as a qualified
281 contractor for the program, including verification of current
282 licensure or certification status and review of any adverse
283 actions, discipline, or restrictions imposed by the applicable
284 professional licensing board. A local government may consider or
285 require as criteria for selection or qualification a minimum of
286 5 years of experience for qualified contractors, but may not
287 consider or require for selection or qualification geographic
288 location or any prior or existing work for or with the local
289 government.

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

293 4. Other necessary and indispensable procedural
294 requirements to implement this section, such as requirements
295 relating to intake, payment, recordkeeping, and notice
296 processes.

297 (b) Additional requirements may not conflict with or
298 impair the intent of this section; may not add to, modify,
299 limit, or condition the rights, duties, standards, scope,
300 qualifications, or effects established by this section; and may

301 not impose any substantive review criteria, terms, or conditions
302 on applicants or qualified contractors.

303 (c) The program must require a local government to deem an
304 application that meets the requirements of this section
305 administratively complete for purposes of acceptance and
306 processing.

307 (d) The program may not impose additional terms,
308 conditions, or duplicative review processes with respect to the
309 preapplication review for an application that meets the
310 requirements of this section. However, the program may allow for
311 the review of ownership authorizations for the development of
312 the property.

313 (e) This section may not be construed to waive, limit, or
314 otherwise affect any requirement of the Consultants' Competitive
315 Negotiation Act pursuant to s. 287.055 or a local government's
316 duly adopted procurement process.

317 (4) REGISTRY.—

318 (a) The development services office of a local government
319 shall establish a registry of at least six qualified
320 contractors. If the minimum requirements for the qualified
321 contractor specified in subparagraph (3) (a)2. are met, the
322 development services office may add a qualified contractor to
323 the registry upon such entity's request to be added to the
324 registry.

325 (b) If, after making reasonable efforts, fewer than six

326 qualified contractors are available to be added to the registry,
327 the development services office must register any willing and
328 available qualified contractor that meets the requirements of
329 subparagraph (3) (a)2.

330 (c) The local government may enter into an agreement with
331 another local government for the purpose of using public
332 employees who meet the requirements for a qualified contractor
333 to complete the preapplication review. A local government may
334 not add its own employees to its own registry.

335 (d) A local government shall adopt and use standard
336 contract terms and conditions for agreements with qualified
337 contractors which are substantially similar in form and
338 substance to the local government's standard professional
339 services agreements used for materially similar engagements with
340 private sector providers. A local government may not draft or
341 apply contractual terms that impose obligations on qualified
342 contractors which frustrate, impair, or defeat the legislative
343 intent of this section.

344 (5) SELECTION OF A QUALIFIED CONTRACTOR OF APPLICANT'S
345 CHOICE.—

346 (a) If any of the following conditions exists, an
347 applicant who elects to participate in the program must have the
348 unconditional right to use a qualified contractor of his or her
349 choice, as long as the qualified contractor satisfies the
350 minimum requirements in subparagraph (3) (a)2., for

351 preapplication review:

352 1. The governing body of a local government fails to
353 create the program pursuant to subsection (3) before January 1,
354 2027.

355 2. The development services office of the local government
356 fails to create the registry as required pursuant to subsection
357 (4).

358 3. The registry created pursuant to subsection (4) does
359 not consist of the requisite number of qualified contractors and
360 the local government has not complied with the requirements of
361 paragraph (4) (b).

362 (b) The local government may not condition, deny, delay,
363 or otherwise contest the applicant's selection or use of the
364 qualified contractor, except upon a written determination
365 supported by specific, articulable facts stating that the
366 qualified contractor does not meet the requirements of this
367 section, or that the qualified contractor has a conflict of
368 interest with the applicant, as defined in s. 112.312, or under
369 any stricter conflict of interest standards applicable to the
370 qualified contractor's professional license or certification.

371 (6) PAYMENT, FEES, AND PREAPPLICATION REVIEW.-

372 (a) The applicant shall have sole discretion to choose a
373 qualified contractor from the established registry under
374 subsection (4) to conduct a preapplication review of a permit.
375 The applicant may not pay the qualified contractor directly.

376 Such payment must be made to the local government with the
377 initial submission of the application. The local government must
378 ensure the qualified contractor is paid in compliance with the
379 Local Government Prompt Payment Act under part VII of chapter
380 218.

381 (b) If an applicant uses a qualified contractor for the
382 purposes of conducting a preapplication review, the local
383 government must reduce any application fee by the amount of cost
384 savings realized by the development services office for not
385 having to perform such services. Such reduction may be
386 calculated on a flat fee or percentage basis, or any other
387 reasonable means by which a development services office assesses
388 the cost for its application review. The reduction in the
389 application fee does not relieve the applicant of responsibility
390 for payment of the qualified contractor's fees as required in
391 paragraph (a). Any application or administrative fee imposed
392 under this section must be reasonably related to the actual cost
393 incurred by the local government in administering the
394 application and processing.

395 (c) If an applicant uses a qualified contractor to conduct
396 a preapplication review, the development services office must
397 provide the qualified contractor with access to the public
398 records and information reasonably necessary to perform the
399 preapplication review. This paragraph does not authorize the
400 disclosure of records that are confidential or exempt from

401 public inspection or copying under chapter 119 or any other
402 applicable law, and access to such records is provided only to
403 the extent permitted by law. This paragraph may not be construed
404 to require a local government to violate the licensing terms of
405 proprietary software or related vendor agreements.

406 (d)1. If an applicant does not use a qualified contractor
407 pursuant to this section, the local government must conduct any
408 requested preapplication review within the applicable timeframes
409 under ss. 125.022 and 166.033, to the extent those sections
410 apply to the type of preapplication review requested. If the
411 local government fails to process the application within the
412 required timeframes, the applicant may use a qualified
413 contractor from the registry at the sole expense of the local
414 government if the qualified contractor does not have a conflict
415 of interest in reviewing the permits, plans, or plats, including
416 final and preliminary, subject to the preapplication review and
417 otherwise meets the requirements of this section.

418 2. If the applicant uses a qualified contractor for
419 preapplication review pursuant to this paragraph, such
420 application must be accepted automatically when the local
421 government receives an affidavit from the qualified contractor,
422 and subsection (10) does not apply.

423 (7) RESTRICTIONS ON PREAPPLICATION REVIEW.—A qualified
424 contractor may conduct preapplication review only for
425 applications relating to the disciplines covered by such

426 qualified contractor's licensure or certification granted
427 pursuant to chapter 471, chapter 472, or chapter 481, or as
428 certified by the American Institute of Certified Planners,
429 including single-trade review. A qualified contractor may not
430 conduct a preapplication review pursuant to this section if the
431 qualified contractor is used by the applicant for the same
432 project that is the subject of the application, or has a
433 conflict of interest pursuant to s. 112.312.

434 (8) AFFIDAVIT REQUIREMENTS.—

435 (a) A qualified contractor performing a preapplication
436 review must determine whether the application is in compliance
437 with all applicable land development regulations, comprehensive
438 plan regulations, ordinances, and codes of the governing
439 jurisdiction. The qualified contractor shall work directly with
440 the applicant to resolve any deficiencies. Upon making the
441 determination that the application complies with all relevant
442 land development regulations, comprehensive plan regulations,
443 ordinances, and codes, the qualified contractor shall prepare an
444 affidavit certifying that the following information is true and
445 correct to the best of the qualified contractor's knowledge and
446 belief:

447 1. The preapplication review was conducted by the affiant,
448 who is duly authorized to perform a preapplication review
449 pursuant to this section and holds the appropriate license or
450 certificate.

451 2. The permits, plans, or plats, including final and
452 preliminary, reviewed in the application comply with all
453 applicable land development regulations, comprehensive plan
454 regulations, ordinances, and codes.

455 (b) Such affidavit must bear a written or electronic
456 signature and must be submitted electronically to the
457 development services office.

458 (9) AUTHORIZATION AND APPROVAL.—

459 (a) Upon receipt of an application accompanied by an
460 affidavit of the qualified contractor pursuant to subsection
461 (8), the development services office must review and accept the
462 application as administratively complete or reject such
463 application as administratively incomplete.

464 (b) Upon a finding that the application is
465 administratively complete, the development services office
466 shall, by the following business day, forward the application
467 for final action by the appropriate approving authority or, if
468 approval is delegated to an employee within the development
469 services office, proceed with final action in accordance with
470 this section and ss. 125.022 and 166.033.

471 (c) If the development services office determines that an
472 application submitted pursuant to this subsection is
473 administratively incomplete, the office must provide written
474 notice to the applicant specifically identifying any aspects of
475 the application which do not comply with this section;

476 applicable land development regulations; or comprehensive plan
477 regulations, ordinances, or codes, and the reasons the
478 application was denied with reference to code chapters and
479 sections, within 10 business days after receipt of the
480 application and affidavit. If the development services office
481 does not provide written notice to the permit applicant within
482 10 business days, the application shall be deemed
483 administratively complete as a matter of law solely for purposes
484 of acceptance, routing, and processing, and the development
485 services office must, by the following business day, forward the
486 application for final action to the appropriate approving
487 authority or, if the development services office is the
488 approving authority, proceed to final action in accordance with
489 this section and ss. 125.022 and 166.033. An application
490 determined to be administratively complete under this paragraph
491 does not constitute substantive approval of the permit submitted
492 and may not be construed to limit the authority to grant or deny
493 the application consistent with this section; however, the
494 development services office may not conduct any duplicative
495 review of the permit subject to preapplication review except as
496 expressly authorized by this section.

497 (d) The development services office's review under this
498 subsection is ministerial and limited to confirming
499 administrative completeness and proper form. The development
500 services office may not re-review the technical sufficiency or

501 substantive compliance of materials subject to preapplication
502 review by a qualified contractor, except as expressly authorized
503 by this section or by law.

504 (10) CONSTRUCTION.—Any local provision or action
505 inconsistent with this section is preempted, void, and
506 unenforceable to the extent of the inconsistency, and this
507 section shall control and be given full force and effect over
508 any conflicting or more stringent provision of law, whether
509 general, special, or local, including any charter or home rule
510 provision, without regard to the order or time of enactment.

511 (11) DISCIPLINARY GUIDANCE.—When performing a
512 preapplication review, a qualified contractor is subject to the
513 disciplinary guidelines of the applicable professional board
514 with jurisdiction over his or her license or certification under
515 chapter 471, chapter 472, or chapter 481. Notwithstanding the
516 audit procedures in subsection (12), any complaint investigation
517 or discipline that may arise out of a qualified contractor's
518 preapplication review shall be conducted by the applicable
519 professional board. Complaints regarding conflicts of interest
520 or other ethical violations shall be reviewed as provided in
521 chapter 112.

522 (12) AUDIT PROCEDURES.—A local government may audit the
523 work of a qualified contractor performing preapplication review
524 under this section pursuant to procedures established by the
525 local government. Such procedures must be reasonable, applied in

526 a nondiscriminatory manner, and made publicly available. A
527 qualified contractor must be provided written notice of any
528 audit findings and a reasonable opportunity to respond. Nothing
529 in this subsection limits a local government's authority to
530 enforce contract terms, address conflicts of interest, remove a
531 qualified contractor from participation in the program, or take
532 action necessary to protect the public health, safety, or
533 welfare. An audit under this section may not replicate, redo, or
534 substitute for the preapplication review performed by the
535 qualified contractor and may not go beyond the scope of
536 verifying performance, customary practice, and evidentiary
537 support, unless expressly authorized by this section.

538 (13) PREAPPLICATION REVIEW FOR SPECIFIED ENTITIES.—
539 Notwithstanding any other law, a county, a municipality, a
540 school district, or an independent special district may use a
541 qualified contractor to provide preapplication review for a
542 public works project by the county, municipality, school
543 district, or independent special district.

544 (14) CIVIL ACTIONS AUTHORIZED.—

545 (a) An applicant may bring a civil action for declaratory
546 or injunctive relief against a county or municipality for a
547 violation of this section. In any such action, the court shall
548 award the prevailing party reasonable attorney fees and costs.
549 For purposes of this paragraph, the term "prevailing party"
550 means the party that obtains an enforceable judgment, order, or

551 comparable court-sanctioned relief on the merits which
552 materially alter the legal relationship of the parties in that
553 party's favor, including the granting of declaratory or
554 injunctive relief or the dismissal with prejudice of the
555 opposing party's claims. The term does not include a party whose
556 objectives are achieved solely by the voluntary cessation of
557 challenged conduct absent a judicial determination or other
558 relief bearing the court's imprimatur. If neither party prevails
559 on the significant issues, or if both parties prevail in part,
560 the court may determine that no party is the prevailing party
561 and may equitably apportion fees and costs.

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

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

566 2. The local government complies with this section within
567 14 days or completes a preapplication review for the applicant
568 that has submitted written notice of a violation of this section
569 within 14 days.

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

572 177.071 Administrative approval of plats or replats by
573 designated county or municipal official.—

574 (1)

575 (c) A local government may not create, establish, or apply

576 any additional local procedure or condition for the
577 administrative approval of a plat or replat under this section
578 that is inconsistent with this section or s. 177.091. If
579 infrastructure financial assurances are required as a condition
580 of plat or replat approval, the administrative authority
581 designated in paragraph (a) shall receive and act upon the
582 proposed assurance. The local government shall accept commonly
583 used forms of financial assurance, including performance bonds,
584 letters of credit, and escrow agreements, provided the assurance
585 is in a form reasonably acceptable to the local government and
586 issued by a financially responsible issuer meeting objective,
587 uniformly applied standards. Local government review of such
588 financial assurance shall be limited to verifying that the
589 amount, form, and issuer satisfy the requirements of s. 177.091
590 and the local government's uniformly applied standards, and may
591 not be used to unreasonably delay approval. If the assurance is
592 deficient, the local government shall provide written notice of
593 deficiencies within 10 business days.

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

600 177.073 Expedited approval of residential building permits

601 before a final plat is recorded.—

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

603 (a) "Applicant" means a homebuilder or developer who files
604 an application with the local governing body to identify the
605 percentage of planned homes, or the number of building permits,
606 that the local governing body must issue for a residential
607 subdivision, or one or more phases in a multiphased planned
608 community, subdivision, or planned community.

609 (2) (a) By October 1, 2024, the governing body of a county
610 that has 75,000 residents or more and any governing body of a
611 municipality that has 10,000 residents or more and 25 acres or
612 more of contiguous land that the local government has designated
613 in the local government's comprehensive plan and future land use
614 map as land that is agricultural or to be developed for
615 residential purposes shall create a program to expedite the
616 process for issuing building permits for residential
617 subdivisions, one or more phases of a community or subdivision,
618 or planned communities in accordance with the Florida Building
619 Code and this section before a final plat is recorded with the
620 clerk of the circuit court. The expedited process must include
621 an application for an applicant to identify the percentage of
622 planned homes, not to exceed 50 percent of the residential
623 subdivision or planned community, or the number of building
624 permits that the governing body must issue for the residential
625 subdivision or planned community. The application or the local

626 government's final approval may not alter or restrict the
627 applicant from receiving the number of building permits
628 requested, so long as the request does not exceed 50 percent of
629 the planned homes of the residential subdivision or planned
630 community or the number of building permits. This paragraph does
631 not:

632 1. Restrict the governing body from issuing more than 50
633 percent of the building permits for the residential subdivision
634 or planned community.

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

636 (b) Subject to the requirements under subsection (6)(b), a
637 governing body that had a program in place before July 1, 2023,
638 to expedite the building permit process, need only update its
639 ~~their~~ program to approve an applicant's written application to
640 issue up to 50 percent of the building permits for the
641 residential subdivision or planned community in order to comply
642 with this section. This paragraph does not restrict a governing
643 body from issuing more than 50 percent of the building permits
644 for the residential subdivision or planned community.

645 (d)1. If a governing body fails to adopt a program under
646 paragraph (a) or paragraph (c), or fails to update or modify an
647 existing program as required under paragraph (b) by the
648 applicable statutory deadline, the following will apply without
649 further action or approval by the governing body and
650 notwithstanding any conflicting local requirement:

651 a. The applicant shall have an unconditional, self-
652 executing right to use a qualified contractor of the applicant's
653 choosing, within the scope of the contractor's professional
654 licensure and as authorized under s. 177.073, to perform
655 technical review and certification necessary to support the
656 issuance of up to 75 percent of the building permits for the
657 residential subdivision or planned community, including one or
658 more phases thereof, before the final plat is recorded, provided
659 the qualified contractor does not have a conflict of interest.
660 For the purposes of this paragraph, the term "conflict of
661 interest" has the same meaning as in s. 112.312.

662 b. The governing body, local building official, and any
663 local government staff may not condition, delay, limit,
664 restrict, obstruct, or deny the applicant's use of a qualified
665 contractor under this paragraph. Nothing in this paragraph
666 prohibits a local government from applying neutral, generally
667 applicable requirements relating to procurement, contracting,
668 insurance, indemnification, conflict-of-interest review,
669 credential verification, recordkeeping, or public safety,
670 provided such requirements do not materially impair or frustrate
671 the applicant's ability to use a qualified contractor as
672 authorized by this paragraph. Any local requirement that
673 directly conflicts with this paragraph is preempted to the
674 extent of the conflict.

675 c. The qualified contractor may perform all technical

676 review services within the scope of his or her licensure and
677 qualifications which are necessary to obtain such building
678 permits as specifically authorized under this section, including
679 preparing, reviewing, and submitting permit applications and
680 supporting plans, specifications, and documents, and providing
681 signed and sealed documents when required by law. The local
682 building official shall accept such submissions when prepared
683 and sealed by the qualified contractor as meeting any local
684 requirement that the submission be prepared or reviewed by local
685 government staff, and shall review and issue the permits in
686 accordance with the Florida Building Code and applicable state
687 law. Nothing in this paragraph limits the authority of the local
688 building official to review such submission by a qualified
689 contractor for compliance with the Florida Building Code and
690 applicable state law, to identify deficiencies, or to approve or
691 deny the permit in accordance with the law.

692 d. The governing body and the local building official may
693 not unreasonably require the applicant or the qualified
694 contractor to use a local government registry, rotation, or
695 shortlist, or any other selection or vetting process, which has
696 the effect of denying or materially delaying the applicant's use
697 of a qualified contractor under this section..

698 e. The unconditional right provided by this paragraph
699 becomes effective immediately upon the governing body's failure
700 to meet the applicable deadlines in paragraph (a) or paragraph

701 (c), continues in effect unless and until the governing body has
702 adopted or updated a program fully compliant with this section,
703 and may not be limited, impaired, or applied retroactively to
704 reduce the number or percentage of building permits the
705 applicant may obtain or is eligible to obtain under this
706 paragraph.

707 2. This paragraph may not be construed to limit or impair
708 the authority of the local building official to enforce the
709 Florida Building Code, the Florida Fire Prevention Code, or
710 other applicable state laws and local laws of general
711 application in reviewing and issuing building permits; however,
712 the governing body and the local building official may not
713 impose any additional local procedures, prerequisites, or
714 substantive standards on the applicant or the qualified
715 contractor which have the effect of conditioning, delaying,
716 restricting, or denying the use of a qualified contractor as
717 authorized by this paragraph.

718 (3) A governing body shall create:

719 (a) A two-step application process for the adoption of a
720 preliminary plat, and for stabilized access roads that can
721 support emergency vehicles, inclusive of any plans, in order to
722 expedite the issuance of building permits under this section.
723 The application must allow an applicant to identify the
724 percentage of planned homes or the number of building permits
725 that the governing body must issue for the residential

726 subdivision, ~~or~~ planned community, or one or more phases of a
727 multiphased planned community or subdivision.

728 (4) (a) An applicant may use a private provider or
729 qualified contractor in the same manner as provided in pursuant
730 to s. 553.791 to expedite the application process for any plans
731 necessary to support the approval of a site plan, preliminary or
732 final plat, or building permits after a preliminary plat is
733 approved under this section.

734 (b) A governing body shall establish a registry of at
735 least six ~~three~~ qualified contractors whom the governing body
736 may use to supplement staff resources in ways determined by the
737 governing body for processing and expediting the review of an
738 application for a preliminary plat or any plans related to such
739 application. A qualified contractor on the registry who is hired
740 pursuant to this section to review an application, or any part
741 thereof, for a preliminary plat, or any part thereof, may not
742 have a conflict of interest with the applicant. For purposes of
743 this paragraph, the term "conflict of interest" has the same
744 meaning as in s. 112.312.

745 (c) If a governing body fails to establish or maintain the
746 registry required under paragraph (b), an applicant may, at its
747 sole discretion, retain a private provider or qualified
748 contractor of the applicant's choosing to process, review, and
749 expedite any application for a preliminary plat, or supporting
750 documents, provided that the selected private provider or

751 qualified contractor does not have a conflict of interest. For
752 purposes of this paragraph, the term "conflict of interest" has
753 the same meaning as in s. 112.312. If a conflict of interest is
754 identified after selection, the applicant must promptly replace
755 the private provider or qualified contractor with one that does
756 not have a conflict of interest, and the governing body must
757 continue processing without delay or prejudice.

758 (d) The governing body may not condition, delay, or deny
759 the applicant's use of such private provider or qualified
760 contractor, and shall accept, process, and act upon reviews,
761 approvals, recommendations, or certifications submitted by the
762 private provider or qualified contractor in the same manner and
763 within the same timeframes as if performed by the governing
764 body's own staff, or by a qualified contractor on the registry.
765 The governing body may verify credentials, require standard
766 submittal formats, and conduct ministerial compliance checks,
767 but may not impose additional requirements that have the effect
768 of frustrating, negating, or impeding the applicant's right to
769 use a private provider or qualified contractor under this
770 subsection. The applicant shall be responsible for all fees and
771 costs associated with the private provider or qualified
772 contractor. Any ordinance, resolution, policy, practice,
773 contract, or requirement to the contrary is preempted and void
774 to the extent of conflict with this paragraph.

775 (6) The governing body must issue the number or percentage

776 of building permits requested by an applicant in accordance with
777 the Florida Building Code and this section, provided the
778 residential buildings or structures are unoccupied and all of
779 the following conditions are met:

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

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

799 a. The actual completion, substantial completion, or
800 physical installation of any subdivision or planned community

801 infrastructure, or improvements identified in the approved
802 preliminary plat or approved plans;

803 b. The submission, acceptance, or approval of any
804 certification of completion or similar documentation, including,
805 but not limited to, certificates of completion, substantial
806 completion, engineer's or architect's certifications of
807 completion, as-built or record drawings, pressure or compaction
808 test results, utility acceptance letters, service availability
809 letters, or similar confirmations of finished construction or
810 readiness for service; or

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

814 2. This prohibition applies notwithstanding any ordinance,
815 resolution, policy, practice, development order, permit
816 condition, concurrency or proportionate-share requirement,
817 development agreement, interlocal agreement, utility policy or
818 standard, or other local requirement to the contrary.

819 3. This paragraph may not be construed to prohibit a local
820 government from requiring documentation strictly necessary to
821 demonstrate compliance with the Florida Fire Prevention Code as
822 a condition of issuing building permits; however, such
823 documentation may not require the physical completion of the
824 subdivision or planned community infrastructure, or improvements
825 beyond what is expressly required to satisfy the Florida Fire

826 Prevention Code.

827 (c) The applicant holds a valid performance bond for up to
828 130 percent of the necessary improvements, as defined in s.
829 177.031(9), that have not been completed upon submission of the
830 application under this section. For purposes of a master planned
831 community as defined in s. 163.3202(5)(b), a valid performance
832 bond is required on a phase-by-phase basis. For purposes of this
833 section, a local government may waive the bonding requirement in
834 this paragraph through its program or on a case-by-case basis
835 upon request of the applicant.

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

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

842 (b) The applicant incurs obligations and expenses,
843 commences construction of the residential subdivision or planned
844 community, and is continuing in good faith with the development
845 of the property.

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