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2026 Legislature

1
2 An act relating to local land planning and
3 development; amending ss. 125.022 and 166.033, F.S.;
4 requiring each county and municipality, respectively,
5 of a specified size to create and implement a program
6 for the purpose of making development preapplication
7 consultation services available at an applicant's
8 request; providing that specified provisions may not
9 be construed to affect or require the modification of
10 certain county or municipality programs that make
11 available the same or substantially similar
12 development preapplication consulting services if such
13 county or municipality's program existed before a
14 specified date; limiting such preapplication
15 consultation services to applications for certain
16 permits; authorizing a county or municipality to use a
17 qualified contractor or qualified contractor firm to
18 fulfill specified preapplication services
19 requirements; specifying minimum requirements for a
20 development preapplication consultation services
21 program; requiring a county or municipality to take
22 certain actions if an applicant chooses to use the
23 development preapplication consultation services
24 program; requiring a county or municipality to
25 approve, approve with conditions, or deny an

ENROLLED

CS/CS/CS/HB 927, Engrossed 1

2026 Legislature

26 applicant's completed application within a specified
27 timeframe; requiring that an application be deemed
28 approved by operation of law without conditions and
29 proceed in a specified manner if a county or
30 municipality fails to make a certain determination
31 within a specified timeframe; providing construction;
32 specifying that certain requirements apply if an
33 applicant for a development permit or development
34 order is not eligible for, does not request, or elects
35 not to use the county's or municipality's
36 preapplication consulting services program; creating
37 s. 163.3169, F.S.; defining terms; requiring a local
38 government to establish a registry of a specified
39 number of qualified contractors or qualified
40 contractor firms to conduct certain preapplication
41 services; prohibiting a qualified contractor or
42 qualified contractor firm from having a conflict of
43 interest; authorizing an applicant to use a qualified
44 contractor that is not on the registry if a conflict
45 of interest exists; authorizing a local government to
46 enter into a certain agreement with another local
47 government under certain circumstances; prohibiting a
48 local government from adding its own employees to the
49 registry; authorizing an applicant to retain a
50 qualified contractor or qualified contractor firm of

ENROLLED

CS/CS/CS/HB 927, Engrossed 1

2026 Legislature

51 his or her choosing for preapplication consultation
52 services under certain circumstances; prohibiting a
53 local government from conditioning, denying, or
54 delaying an applicant's selection or use of a
55 qualified contractor or qualified contractor firm;
56 specifying that the applicant is responsible for all
57 fees and costs associated with using a qualified
58 contractor of his or her choice; requiring a local
59 government to make certain resources available if an
60 applicant uses a qualified contractor or qualified
61 contractor firm of his or her choosing to perform
62 preapplication consultation services; providing an
63 exception; providing construction; providing that
64 specified requirements relating to the use of
65 qualified contractors or qualified contractor firms to
66 perform development preapplication consultation
67 services do not apply to certain property identified
68 within a permit application; providing applicability;
69 providing construction; amending s .177.071, F.S. ;
70 authorizing a governing body to use a specified
71 registry to supplement local government staff
72 resources; prohibiting a local government from
73 creating, establishing, or applying any additional
74 local procedure or condition for the administrative
75 approval of a plat or replat which is inconsistent

ENROLLED

CS/CS/CS/HB 927, Engrossed 1

2026 Legislature

76 | with specified provisions; authorizing the
77 | administrative authority to receive and act upon
78 | certain financial assurances; providing requirements
79 | for a local government's acceptance of certain
80 | financial assurances; amending s. 177.073, F.S.;
81 | revising the definition of the term "applicant";
82 | requiring the governing body of certain local
83 | governments and counties to include certain
84 | developments in a program that expedites the process
85 | for issuing building permits for planned unit
86 | developments or phases of a community or subdivision;
87 | specifying automatic actions in the event the local
88 | government fails to adopt, update, or modify a certain
89 | program by a specified date; defining the term
90 | "conflict of interest"; providing construction;
91 | requiring a governing body to create a two-step
92 | application process for stabilized access roads that
93 | can support emergency vehicles; revising requirements
94 | for such application process; authorizing an applicant
95 | to use a qualified contractor for land use approvals
96 | under certain circumstances; authorizing a governing
97 | body to use the qualified contractor registry
98 | established pursuant to this act to supplement staff
99 | resources; deleting provisions prohibiting the use of
100 | a qualified contractor with a conflict of interest;

ENROLLED

CS/CS/CS/HB 927, Engrossed 1

2026 Legislature

101 defining the term "approved plans"; providing
 102 construction; prohibiting a local government from
 103 conditioning, delaying, withholding, or denying the
 104 issuance of certain permits under certain
 105 circumstances; providing applicability; providing
 106 construction; authorizing a local government to waive
 107 a certain bond requirement under certain
 108 circumstances; revising the circumstances under which
 109 an applicant has a vested right in a preliminary plat;
 110 providing an effective date.

111

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

113

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

116 125.022 Development permits and orders; development
 117 preapplication consulting services program required.—

118 (1) (a) By January 1, 2027, each county with a population
 119 of 75,000 or greater shall create and implement a program for
 120 the purpose of making available development preapplication
 121 consultation services at an applicant's request. This subsection
 122 may not be construed to affect or require the modification of a
 123 county program that makes available the same or substantially
 124 similar development preapplication consulting services to an
 125 applicant for a development permit or development order,

ENROLLED

CS/CS/CS/HB 927, Engrossed 1

2026 Legislature

126 including a program that requires mandatory preapplication
127 meetings for specified types of developments, if such county
128 program exists on or before July 1, 2026.

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

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

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

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

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

145 (c) If an applicant chooses to use the development
146 preapplication consultation services program, the county, upon
147 receipt of the proposed development application, shall confirm
148 receipt, verify completeness, and issue a written notification
149 to the applicant indicating that all required information has
150 been submitted, or specify in writing with particularity any

ENROLLED

CS/CS/CS/HB 927, Engrossed 1

2026 Legislature

151 deficiencies in the application, within 5 business days. If the
152 application is deficient, the applicant has 30 days to address
153 the deficiencies by submitting the required additional
154 information. If the county fails to issue the written
155 notification within 5 business days, the application is deemed
156 complete by operation of law without conditions, and the county
157 must process the application as required in paragraph (d).

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

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

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

ENROLLED

CS/CS/CS/HB 927, Engrossed 1

2026 Legislature

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

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

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

ENROLLED

CS/CS/CS/HB 927, Engrossed 1

2026 Legislature

201 2. For applications that do not require final action
 202 through a quasi-judicial hearing or a public hearing, the county
 203 must approve, approve with conditions, or deny the application
 204 for a development permit or development order within 120 days
 205 after the county has deemed the application complete.

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

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

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

ENROLLED

CS/CS/CS/HB 927, Engrossed 1

2026 Legislature

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

231 2.~~(b)~~ If a county makes a request for additional
 232 information and the applicant submits the required additional
 233 information within 30 days after receiving the request, the
 234 county must review the application for completeness and issue a
 235 letter indicating that all required information has been
 236 submitted or specify with particularity any areas that are
 237 deficient within 30 days after receiving the additional
 238 information.

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

247 4.~~(d)~~ Before a third request for additional information,
 248 the applicant must be offered a meeting to attempt to resolve
 249 outstanding issues. If a county makes a third request for
 250 additional information and the applicant submits the required

ENROLLED

CS/CS/CS/HB 927, Engrossed 1

2026 Legislature

251 additional information within 30 days after receiving the
252 request, the county must deem the application complete within 10
253 days after receiving the additional information or proceed to
254 process the application for approval or denial unless the
255 applicant waived the county's limitation in writing as described
256 in subparagraph 1. ~~paragraph (a).~~

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

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

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

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

273 3.(e) Twenty percent of the application fee if the county
274 fails to issue a written notification of completeness or written
275 specification of areas of deficiency within 10 days after

ENROLLED

CS/CS/CS/HB 927, Engrossed 1

2026 Legislature

276 receiving the additional information pursuant to subparagraph
 277 (c)3. ~~paragraph (3)(e).~~

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

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

288
 289 A county is not required to issue a refund if the applicant and
 290 the county agree to an extension of time, the delay is caused by
 291 the applicant, or the delay is attributable to a force majeure
 292 or other extraordinary circumstance.

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

299 (3)~~(6)~~ As used in this section, the terms "development
 300 permit" and "development order" have the same meaning as in s.

ENROLLED

CS/CS/CS/HB 927, Engrossed 1

2026 Legislature

301 163.3164, but do not include building permits.

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

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

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

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

ENROLLED

CS/CS/CS/HB 927, Engrossed 1

2026 Legislature

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

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

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

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

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

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

350 (e) "Development services official" means the individual

ENROLLED

CS/CS/CS/HB 927, Engrossed 1

2026 Legislature

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

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

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

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

366 (i) "Local government" means:

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

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

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

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

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

ENROLLED

CS/CS/CS/HB 927, Engrossed 1

2026 Legislature

376 177.031(14).

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

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

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

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

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

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

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

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

399 (p) "Qualified contractor firm" means a business
 400 organization, including a corporation, partnership, business

ENROLLED

CS/CS/CS/HB 927, Engrossed 1

2026 Legislature

401 trust, or other legal entity, which offers services under this
 402 section to the public through licensees who act as agents,
 403 employees, officers, or partners of the firm. A person who is
 404 licensed as an engineer under chapter 471; a surveyor or mapper
 405 licensed under chapter 472; an architect licensed under part I
 406 of chapter 481; a landscape architect licensed under part II of
 407 chapter 481; or who is certified by the American Institute of
 408 Certified Planners with at least 5 years of relevant government
 409 experience, or at least 10 years of relevant experience as an
 410 urban planner if not certified, may act as a qualified
 411 contractor for an agent, employee, or officer of the qualified
 412 contractor firm.

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

ENROLLED

CS/CS/CS/HB 927, Engrossed 1

2026 Legislature

426 approval by local government staff or an administrative official
427 and which also includes, but is not limited to approvals or
428 permits related to trees, signs, landscaping, and minor
429 modifications.

430 (r) "Subdivision approval" or its functional equivalent,
431 including a modification, means an administrative review process
432 applicable to the division of land into a limited number of lots
433 which does not create new public streets or require significant
434 public infrastructure improvements and does not materially
435 increase development impacts. The term applies only to approvals
436 expressly designated by the local government for administrative
437 review and approval by local government staff or a designated
438 administrator without the requirement of approval by an
439 appointed review board or a governing body. A subdivision
440 qualifies under this definition if it involves a number of lots
441 as specified by the local government, complies with all
442 applicable zoning, dimensional, access utility, and
443 environmental standards, and can be served by existing public
444 facilities or approved private systems, allowing the subdivision
445 to be reviewed for compliance with objective standards of land
446 development code and approved by local government staff or a
447 designated administrative official without requiring
448 discretionary policy determinations.

449 (2) REGISTRY.—

450 (a) By January 1, 2027, a local government shall establish

ENROLLED

CS/CS/CS/HB 927, Engrossed 1

2026 Legislature

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

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

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

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

463 (b) A qualified contractor or a qualified contractor firm
464 on the registry which is hired pursuant to this section may not
465 have a conflict of interest. If a prohibitive conflict of
466 interest exists, the applicant may use an otherwise qualified
467 contractor.

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

474 (d) If a local government fails to establish or maintain
475 the registry, an applicant may, at its sole discretion, retain a

ENROLLED

CS/CS/CS/HB 927, Engrossed 1

2026 Legislature

476 qualified contractor or a qualified contractor firm of the
477 applicant's choosing to provide preapplication consultation
478 services, provided that the selected qualified contractor or
479 qualified contractor firm does not have a conflict of interest.
480 If a conflict of interest is identified after selection, the
481 applicant must promptly replace the qualified contractor or
482 qualified contractor firm with one that has no conflict of
483 interest.

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

489 (f) If an applicant uses a qualified contractor or a
490 qualified contractor firm for such purpose, the local government
491 must provide access to public records and information reasonably
492 necessary to perform preapplication consultation services. This
493 paragraph does not authorize the disclosure of records that are
494 confidential or exempt from public inspection or copying under
495 chapter 119 or any other applicable law, and access to such
496 records is provided only to the extent permitted by law. This
497 paragraph may not be construed to require a local government to
498 violate the licensing terms of proprietary software or related
499 vendor agreements.

500 (3) APPLICABILITY; HISTORIC PRESERVATION.-

ENROLLED

CS/CS/CS/HB 927, Engrossed 1

2026 Legislature

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

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

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

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

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

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

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

523 (1) (a) By January 1, 2027, each municipality with a
 524 population of 10,000 or greater shall create and implement a
 525 program for the purpose of making available development

ENROLLED

CS/CS/CS/HB 927, Engrossed 1

2026 Legislature

526 preapplication consultation services at an applicant's request.
527 This subsection may not be construed to affect or require the
528 modification of a municipal program that makes available the
529 same or substantially similar development preapplication
530 consulting services to an applicant for a development permit or
531 development order, including a program that requires mandatory
532 preapplication meetings for specified types of developments, if
533 such municipal program exists on or before July 1, 2026.

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

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

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

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

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

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

ENROLLED

CS/CS/CS/HB 927, Engrossed 1

2026 Legislature

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

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

569 2. If the municipality fails to take final action to
 570 approve, approve with conditions, or deny the application within
 571 the 45 days, the applicant shall notify the municipality in
 572 writing. If the municipality fails to respond within 10 days,
 573 the application is deemed approved by operation of law without
 574 conditions, and the applicant is entitled to proceed with the
 575 proposed activity or development as though the municipality had

ENROLLED

CS/CS/CS/HB 927, Engrossed 1

2026 Legislature

576 granted unconditional approval. Approval pursuant to this
 577 subparagraph may not be construed to relieve the applicant of
 578 the obligation to comply with all other applicable federal,
 579 state, and local laws, regulations, and ordinances.

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

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

594 (b)1.~~(2)~~ Within 5 business days after receiving an
 595 application for approval of a development permit or development
 596 order, a municipality shall confirm receipt of the application
 597 using contact information provided by the applicant. Within 30
 598 days after receiving an application for approval of a
 599 development permit or development order, a municipality must
 600 review the application for completeness and issue a written

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CS/CS/CS/HB 927, Engrossed 1

2026 Legislature

601 notification to the applicant indicating that all required
602 information is submitted or specify in writing with
603 particularity any areas that are deficient. If the application
604 is deficient, the applicant has 30 days to address the
605 deficiencies by submitting the required additional information.

606 2. For applications that do not require final action
607 through a quasi-judicial hearing or a public hearing, the
608 municipality must approve, approve with conditions, or deny the
609 application for a development permit or development order within
610 120 days after the municipality has deemed the application
611 complete.

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

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

623
624 The timeframes contained in this paragraph ~~subsection~~ do not
625 apply in an area of critical state concern, as designated in s.

ENROLLED

CS/CS/CS/HB 927, Engrossed 1

2026 Legislature

626 380.0552 or chapter 28-36, Florida Administrative Code. The
627 timeframes contained in this paragraph ~~subsection~~ restart if an
628 applicant makes a substantive change to the application. As used
629 in this paragraph ~~subsection~~, the term "substantive change"
630 means an applicant-initiated change of 15 percent or more in the
631 proposed density, intensity, or square footage of a parcel.

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

638 2.~~(b)~~ If a municipality makes a request for additional
639 information and the applicant submits the required additional
640 information within 30 days after receiving the request, the
641 municipality must review the application for completeness and
642 issue a letter indicating that all required information has been
643 submitted or specify with particularity any areas that are
644 deficient within 30 days after receiving the additional
645 information.

646 3.~~(e)~~ If a municipality makes a second request for
647 additional information and the applicant submits the required
648 additional information within 30 days after receiving the
649 request, the municipality must review the application for
650 completeness and issue a letter indicating that all required

ENROLLED

CS/CS/CS/HB 927, Engrossed 1

2026 Legislature

651 information has been submitted or specify with particularity any
652 areas that are deficient within 10 days after receiving the
653 additional information.

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

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

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

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

675 2.~~(b)~~ Ten percent of the application fee if the

ENROLLED

CS/CS/CS/HB 927, Engrossed 1

2026 Legislature

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

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

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

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

695
696 A municipality is not required to issue a refund if the
697 applicant and the municipality agree to an extension of time,
698 the delay is caused by the applicant, or the delay is
699 attributable to a force majeure or other extraordinary
700 circumstance.

ENROLLED

CS/CS/CS/HB 927, Engrossed 1

2026 Legislature

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

707 (3)~~(6)~~ As used in this section, the terms "development
708 permit" and "development order" have the same meaning as in s.
709 163.3164, but do not include building permits.

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

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

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CS/CS/CS/HB 927, Engrossed 1

2026 Legislature

726 | attach such a disclaimer to the issuance of development permits
 727 | and shall include a permit condition that all other applicable
 728 | state or federal permits be obtained before commencement of the
 729 | development.

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

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

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

737 | (1)

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

744 | (d) A local government may not create, establish, or apply
 745 | any additional local procedure or condition for the
 746 | administrative approval of a plat or replat under this section
 747 | which is inconsistent with this section or s. 177.091. If
 748 | infrastructure financial assurances are required as a condition
 749 | of plat or replat approval, the administrative authority
 750 | designated in paragraph (a) must receive and act upon the

ENROLLED

CS/CS/CS/HB 927, Engrossed 1

2026 Legislature

751 proposed assurance. The local government shall accept commonly
752 used forms of financial assurance, including performance bonds,
753 letters of credit, and escrow agreements, provided that the
754 assurance is in a form reasonably acceptable to the local
755 government and issued by a financially responsible issuer
756 meeting objective, uniformly applied standards. Local government
757 review of such financial assurance shall be limited to verifying
758 that the amount, form, and issuer satisfy the requirements of s.
759 177.091(8) and (9) and the local government's uniformly applied
760 standards, and may not be used to unreasonably delay approval.
761 If the assurance is deficient, the local government must provide
762 written notice of deficiencies within 10 business days.

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

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

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

772 (a) "Applicant" means a homebuilder or developer who files
773 an application with the local governing body to identify the
774 percentage of planned homes, or the number of building permits,
775 that the local governing body must issue for a residential

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CS/CS/CS/HB 927, Engrossed 1

2026 Legislature

776 subdivision or one or more phases in a multiphased planned
777 community, subdivision, or planned community.

778 (2) (a) By October 1, 2024, the governing body of a county
779 that has 75,000 residents or more and any governing body of a
780 municipality that has 10,000 residents or more and 25 acres or
781 more of contiguous land that the local government has designated
782 in the local government's comprehensive plan and future land use
783 map as land that is agricultural or to be developed for
784 residential purposes shall create a program to expedite the
785 process for issuing building permits for residential
786 subdivisions or one or more phases in a multiphased planned
787 community, subdivision, or planned communities in accordance
788 with the Florida Building Code and this section before a final
789 plat is recorded with the clerk of the circuit court. The
790 expedited process must include an application for an applicant
791 to identify the percentage of planned homes, not to exceed 50
792 percent of the residential subdivision or a planned community,
793 or the number of building permits that the governing body must
794 issue for the residential subdivision or planned community. The
795 application or the local government's final approval may not
796 alter or restrict the applicant from receiving the number of
797 building permits requested, so long as the request does not
798 exceed 50 percent of the planned homes of the residential
799 subdivision or planned community or the number of building
800 permits. This paragraph does not:

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CS/CS/CS/HB 927, Engrossed 1

2026 Legislature

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

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

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

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

820 a. The applicant has an unconditional, self-executing
 821 right to use a qualified contractor of the applicant's choosing,
 822 within the scope of the contractor's professional licensure and
 823 as authorized under this section, to perform technical review
 824 and certification necessary to support the issuance of up to 75
 825 percent of the building permits for the residential subdivision

ENROLLED

CS/CS/CS/HB 927, Engrossed 1

2026 Legislature

826 or planned community, including one or more phases thereof,
827 before the final plat is recorded, provided the qualified
828 contractor does not have a conflict of interest. For the
829 purposes of this paragraph, the term "conflict of interest" has
830 the same meaning as in s. 112.312.

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

844 c. The qualified contractor may perform all technical
845 review services within the scope of his or her licensure and
846 qualifications which are necessary to obtain such building
847 permits as specifically authorized under this section, including
848 preparing, reviewing, and submitting permit applications and
849 supporting plans, specifications, and documents, and providing
850 signed and sealed documents when required by law. The local

ENROLLED

CS/CS/CS/HB 927, Engrossed 1

2026 Legislature

851 building official must accept such submissions when prepared and
852 sealed by the qualified contractor as meeting any local
853 requirement that the submission be prepared or reviewed by local
854 government staff, and must review and issue the permits in
855 accordance with the Florida Building Code and applicable state
856 law. This paragraph does not limit the authority of the local
857 building official to review such submission by a qualified
858 contractor for compliance with the Florida Building Code and
859 applicable state law, to identify deficiencies, or to approve or
860 deny the permit in accordance with the law.

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

867 e. The unconditional right provided by this paragraph
868 becomes effective immediately upon the governing body's failure
869 to meet the applicable deadlines in paragraph (a) or paragraph
870 (c), continues in effect unless and until the governing body has
871 adopted or updated a program fully compliant with this section,
872 and may not be limited, impaired, or applied retroactively to
873 reduce the number or percentage of building permits the
874 applicant may obtain or is eligible to obtain under this
875 paragraph.

ENROLLED

CS/CS/CS/HB 927, Engrossed 1

2026 Legislature

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

887 (3) A governing body shall create:

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

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

ENROLLED

CS/CS/CS/HB 927, Engrossed 1

2026 Legislature

901 (b) A governing body shall, upon the written request of
902 the applicant, use the qualified contractor registry established
903 in s. 163.3169 ~~establish a registry of at least three qualified~~
904 ~~contractors whom the governing body may use to supplement staff~~
905 resources in ways determined by the governing body for
906 processing and expediting the review of an application for a
907 preliminary plat or any plans related to such application. A
908 ~~qualified contractor on the registry who is hired pursuant to~~
909 ~~this section to review an application, or any part thereof, for~~
910 ~~a preliminary plat, or any part thereof, may not have a conflict~~
911 ~~of interest with the applicant. For purposes of this paragraph,~~
912 ~~the term "conflict of interest" has the same meaning as in s.~~
913 ~~112.312.~~

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

919 (b) The applicant provides proof to the governing body
920 that the applicant has provided a copy of the approved
921 preliminary plat, along with the approved plans, to the relevant
922 electric, gas, water, and wastewater utilities. For purposes of
923 this paragraph, the term "approved plans" means plans approved
924 for design and permit review and does not include, and may not
925 be construed to require or imply, any certification,

ENROLLED

CS/CS/CS/HB 927, Engrossed 1

2026 Legislature

926 attestation, or confirmation of the completion of construction
 927 of any subdivision or planned community infrastructure, or
 928 improvements depicted in, referenced by, or required under such
 929 plans, except for the construction of the minimum access and
 930 roadway improvements required by the Florida Fire Prevention
 931 Code for fire department access and operations, such as a
 932 stabilized roadway for emergency access. No other subdivision or
 933 planned community infrastructure or improvements may be required
 934 to be constructed as a condition of building permit issuance or
 935 approval authorized under this section.

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

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

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

ENROLLED

CS/CS/CS/HB 927, Engrossed 1

2026 Legislature

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

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

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

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

973 (c) The applicant holds a valid performance bond for up to
974 130 percent of the necessary improvements, as defined in s.
975 177.031(9), that have not been completed upon submission of the

ENROLLED

CS/CS/CS/HB 927, Engrossed 1

2026 Legislature

976 application under this section. For purposes of a master planned
977 community as defined in s. 163.3202(5)(b), a valid performance
978 bond is required on a phase-by-phase basis. For purposes of this
979 section, a local government may waive the bond requirement in
980 this paragraph through its program or on a case-by-case basis
981 upon request of the applicant.

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

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

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

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