CHAPTER 2026-64

Committee Substitute for Committee Substitute for Committee Substitute for House Bill No. 927

An act relating to local land planning and development; amending ss. 125.022 and 166.033, F.S.; requiring each county and municipality, respectively, of a specified size to create and implement a program for the purpose of making development preapplication consultation services available at an applicant's request; providing that specified provisions may not be construed to affect or require the modification of certain county or municipality programs that make available the same or substantially similar development preapplication consulting services if such county or municipality's program existed before a specified date; limiting such preapplication consultation services to applications for certain permits; authorizing a county or municipality to use a qualified contractor or qualified contractor firm to fulfill specified preapplication services requirements; specifying minimum requirements for a development preapplication consultation services program; requiring a county or municipality to take certain actions if an applicant chooses to use the development preapplication consultation services program; requiring a county or municipality to approve, approve with conditions, or deny an applicant's completed application within a specified timeframe; requiring that an application be deemed approved by operation of law without conditions and proceed in a specified manner if a county or municipality fails to make a certain determination within a specified timeframe; providing construction; specifying that certain requirements apply if an applicant for a development permit or development order is not eligible for, does not request, or elects not to use the county's or municipality's preapplication consulting services program; creating s. 163.3169, F.S.; defining terms; requiring a local government to establish a registry of a specified number of qualified contractors or qualified contractor firms to conduct certain preapplication services; prohibiting a qualified contractor or qualified contractor firm from having a conflict of interest; authorizing an applicant to use a qualified contractor that is not on the registry if a conflict of interest exists; authorizing a local government to enter into a certain agreement with another local government under certain circumstances; prohibiting a local government from adding its own employees to the registry; authorizing an applicant to retain a qualified contractor or qualified contractor firm of his or her choosing for preapplication consultation services under certain circumstances; prohibiting a local government from conditioning, denying, or delaying an applicant's selection or use of a qualified contractor or qualified contractor firm; specifying that the applicant is responsible for all fees and costs associated with using a qualified contractor of his or her choice; requiring a local government to make certain resources available if an applicant uses a qualified contractor or qualified contractor firm of his or her choosing to perform preapplication consultation services; providing an exception;

providing construction; providing that specified requirements relating to the use of qualified contractors or qualified contractor firms to perform development preapplication consultation services do not apply to certain property identified within a permit application; providing applicability; providing construction; amending s. 177.071, F.S.; authorizing a governing body to use a specified registry to supplement local government staff resources; prohibiting a local government from creating, establishing, or applying any additional local procedure or condition for the administrative approval of a plat or replat which is inconsistent with specified provisions; authorizing the administrative authority to receive and act upon certain financial assurances; providing requirements for a local government's acceptance of certain financial assurances; amending s. 177.073, F.S.; revising the definition of the term "applicant"; requiring the governing body of certain local governments and counties to include certain developments in a program that expedites the process for issuing building permits for planned unit developments or phases of a community or subdivision; specifying automatic actions in the event the local government fails to adopt, update, or modify a certain program by a specified date; defining the term "conflict of interest"; providing construction; requiring a governing body to create a two-step application process for stabilized access roads that can support emergency vehicles; revising requirements for such application process; authorizing an applicant to use a qualified contractor for land use approvals under certain circumstances; authorizing a governing body to use the qualified contractor registry established pursuant to this act to supplement staff resources; deleting provisions prohibiting the use of a qualified contractor with a conflict of interest; defining the term "approved plans"; providing construction; prohibiting a local government from conditioning, delaying, withholding, or denying the issuance of certain permits under certain circumstances; providing applicability; providing construction; authorizing a local government to waive a certain bond requirement under certain circumstances; revising the circumstances under which an applicant has a vested right in a preliminary plat; providing an effective date.

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

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

125.022 Development permits and orders<u>; development preapplication consulting services program required</u>.—

<u>(1)(a) By January 1, 2027, each county with a population of 75,000 or greater shall create and implement a program for the purpose of making available development preapplication consultation services at an applicant's request. This subsection may not be construed to affect or require the modification of a county program that makes available the same or substantially similar development preapplication consulting services to an applicant for a development permit or development order, including a program that requires mandatory preapplication meetings for specified</u>

types of developments, if such county program exists on or before July 1, 2026.

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

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

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

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

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

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

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

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

(2) If an applicant for a development permit or development order is not eligible, does not request, or elects not to use the county's development

preapplication consulting services program pursuant to subsection (1), all of the following requirements shall apply:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

163.3169 Using qualified contractors in development order preapplication review.—

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

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

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

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

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

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

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

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

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

(i) "Local government" means:

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

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

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

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

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

(m) "Preapplication review" means the analysis of a permit conducted by a qualified contractor to ensure compliance with a comprehensive plan,

chapter 177, and applicable land development regulations, and which is part of the application as authorized under this section.

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

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

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

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

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

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

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

(p) "Qualified contractor firm" means a business organization, including a corporation, partnership, business trust, or other legal entity, which offers services under this section to the public through licensees who act as agents, employees, officers, or partners of the firm. A person who is licensed as an engineer under chapter 471; a surveyor or mapper licensed under chapter 472; an architect licensed under part I of chapter 481; a landscape architect licensed under part II of chapter 481; or who is certified by the American Institute of Certified Planners with at least 5 years of relevant government experience, or at least 10 years of relevant experience as an urban planner if not certified, may act as a qualified contractor for an agent, employee, or officer of the qualified contractor firm.

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

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

(2) REGISTRY.—

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

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

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

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

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

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

(d) If a local government fails to establish or maintain the registry, an applicant may, at its sole discretion, retain a qualified contractor or a qualified contractor firm of the applicant's choosing to provide preapplication consultation services, provided that the selected qualified contractor or

qualified contractor firm does not have a conflict of interest. If a conflict of interest is identified after selection, the applicant must promptly replace the qualified contractor or qualified contractor firm with one that has no conflict of interest.

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

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

(3) APPLICABILITY; HISTORIC PRESERVATION.—

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

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

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

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

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

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

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

(1)(a) By January 1, 2027, each municipality with a population of 10,000 or greater shall create and implement a program for the purpose of making available development preapplication consultation services at an applicant's

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The timeframes contained in this paragraph ~~subsection~~ do not apply in an area of critical state concern, as designated in s. 380.0552 or chapter 28-36, Florida Administrative Code. The timeframes contained in this paragraph

~~subsection~~ restart if an applicant makes a substantive change to the application. As used in this paragraph ~~subsection~~, the term "substantive change" means an applicant-initiated change of 15 percent or more in the proposed density, intensity, or square footage of a parcel.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5)~~(8)~~ Issuance of a development permit or development order by a municipality does not create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. A municipality shall attach such a disclaimer to the issuance of development permits and shall include a permit condition that all other applicable state or federal permits be obtained before commencement of the development.

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

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

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

(1)

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

(d) A local government may not create, establish, or apply any additional local procedure or condition for the administrative approval of a plat or replat under this section which is inconsistent with this section or s. 177.091. If infrastructure financial assurances are required as a condition of plat or replat approval, the administrative authority designated in paragraph (a) must receive and act upon the proposed assurance. The local government shall accept commonly used forms of financial assurance, including performance bonds, letters of credit, and escrow agreements, provided that the assurance is in a form reasonably acceptable to the local government and issued by a financially responsible issuer meeting objective, uniformly applied standards. Local government review of such financial assurance shall be limited to verifying that the amount, form, and issuer satisfy the requirements of s. 177.091(8) and (9) and the local government's uniformly applied standards, and may not be used to unreasonably delay approval. If the assurance is deficient, the local government must provide written notice of deficiencies within 10 business days.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. This paragraph may not be construed to limit or impair the authority of the local building official to enforce the Florida Building Code, the Florida Fire Prevention Code, or other applicable state laws and local laws of general application in reviewing and issuing building permits; however, the governing body and the local building official may not impose any additional local procedures, prerequisites, or substantive standards on the applicant or the qualified contractor which have the effect of conditioning, delaying,

restricting, or denying the use of a qualified contractor as authorized by this paragraph.

(3) A governing body shall create:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor May 6, 2026.

Filed in Office Secretary of State May 6, 2026.