

Commerce Committee

Wednesday, February 18, 2026
8:00 AM – 10:00 AM
Sumner Hall (404 HOB)

Meeting Packet

Daniel Perez
Speaker

James Buchanan
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Commerce Committee

Start Date and Time: Wednesday, February 18, 2026 08:00 AM

End Date and Time: Wednesday, February 18, 2026 10:00 AM

Location: Sumner Hall (404 HOB)

Duration: 2.00 hrs

Consideration of the following bill(s):

CS/HB 299 Blue Ribbon Projects by Intergovernmental Affairs Subcommittee, Melo
HB 431 Air-conditioning and Mechanical Contractors by Albert
CS/HB 803 Building Permits and Inspection by Industries & Professional Activities Subcommittee, Trabulsy, Overdorf
CS/HB 837 Affordable Housing by Housing, Agriculture & Tourism Subcommittee, Busatta
CS/HB 927 Local Land Planning and Development by Intergovernmental Affairs Subcommittee, Sapp
CS/HB 979 Infill Redevelopment by Intergovernmental Affairs Subcommittee, Borrero
CS/HB 1175 Safety Design Standards for Office Surgery Suites by Health Professions & Programs Subcommittee, Redondo
CS/HB 1231 Final Disposition, Funeral, and Cemetery Services by Insurance & Banking Subcommittee, Oliver
CS/HB 1323 Railroad Crossing Safety by Economic Infrastructure Subcommittee, Tuck

NOTICE FINALIZED on 02/16/2026 4:33PM by Marks.Amie

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: CS/HB 299	**COMPANION BILL:** CS/SB 354 (McClain)
TITLE: Blue Ribbon Projects	**LINKED BILLS:** None
SPONSOR(S): Melo	**RELATED BILLS:** None

Committee References

Intergovernmental Affairs
12 Y, 2 N, As CS
➤ Commerce ➤ State Affairs

SUMMARY

Effect of the Bill:
The bill creates a framework for a new type of planned community referred to as a "blue ribbon project" (BRP) that is intended to balance environmental stewardship with the need for development to provide for future growth. The bill:

- Establishes requirements for a proposed development to qualify as a BRP.
- Provides criteria for the types of development that must be contained within each BRP.
- Requires each BRP to be developed in accordance with a blue ribbon plan that adopts a longer planning period than local government comprehensive plans.

Each application for a proposed BRP is submitted to the applicable county or municipal government. The applicable local government may only review the application for compliance with the requirements of the bill and must do so within a set timeframe. BRPs may be located in any future land use designation and zoning designation without the need for a comprehensive plan amendment or rezoning.

The bill provides an appeal procedure for applicants who are denied approval of a BRP or for persons whose substantial interests are impacted by the approval of a BRP.

Fiscal or Economic Impact:
The bill may have an indeterminate fiscal impact on state government and local governments.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill creates a framework for a new type of planned community referred to as a "blue ribbon project" (BRP). BRPs are intended to balance environmental stewardship with the need for development to provide for future growth. The bill states the Legislature intends for BRPs to promote the preservation of natural areas, encourage agricultural land uses and rural land stewardship, protect critical ecological systems, expand wildlife corridors, and provide for more compact mixed-use developments designed for long-term viability. (Section 1)

To qualify as a BRP a proposed development project must meet the following requirements:

- Contain at least 10,000 acres of contiguous land owned by, or by entities owned or controlled by, the same person.
- At least 60 percent of the land must be set aside as "reserve area," which consists of lands used for environmental conservation, parks and recreation, productive agriculture and silviculture, utility sites, reservoirs and lakes, conservations easements and agreements for the Department of Agriculture and Consumer Services's Rural and Family Lands Protection Program, or uses that support such activities. If

any of the project boundary is contiguous to state-owned environmental preservation land or the Florida Wildlife Corridor, a portion of the reserve area must be located adjacent to those lands.
- Any land not set aside as reserve area may be used as "development area," which consists of lands to be developed for residential, commercial, industrial, or other uses. (Section 1)

Development Area
The bill requires the development area to have a dense, walkable, mixed-use, human-centered development pattern that utilizes principles of new urban design, including the existence of inhabited areas separated by reserve area. These areas must be designed to enhance walkability and mobility and include a mixture of land uses. (Section 1)

The bill requires the residential portions of the development area to be varied in the types of housing available, with a mix of single-family and multi-family units provided in both attached and detached forms. Density in the residential portions of the BRP is limited to 12 units per gross acre, as measured in combination throughout all phases of the project. At least 20 percent of the residential units within each phase of the project must be a combination of affordable housing for persons at or below 80 percent of area median income, "missing middle housing,"[1] and housing that is affordable for persons eligible for the Florida Hometown Hero Program. (Section 1)

The bill requires at least 10 percent of the development area to be allocated for non-residential land uses. In addition, a portion of the area must be intended for uses that provide economic development and create high-wage jobs, which must be located in a part of the BRP that is accessible by an interstate interchange, a state road, a rail line, an airport, or other transportation facility. The non-residential portions of the development area are subject to a maximum intensity of 85 percent impervious surface ratio per gross acre, as measured in combination throughout all phases of the project. (Section 1)

Timelines
A BRP may be developed in phases based on growth projections for the geographical area in which the project is located. Development rights and mitigation of project impacts are vested for at least 50 years, but if the applicant has developed at least 50 percent of the development area within 50 years of the project's initial public dedication of infrastructure, the vested period is extended for an additional 25 years. (Section 1)

Blue Ribbon Plans
Each BRP must be developed in accordance with a blue ribbon plan that is the master development plan for the project. These plans, which are based on a planning period longer than the 20-year period required in a local government's comprehensive plan, must specify a population projection for the planning area during the chosen planning period. A plan is not required to demonstrate need based on projected population growth or any other basis.

Each blue ribbon plan must contain documentation, as well as exhibits including maps, illustrations, and text supported by data and analysis, that include:
- A long-term master development map that depicts the locations of the reserve and development areas.
- Identification and analysis of necessary water supplies and available sources of water, including water resource development and water supply development projects, and water conservation measures required to meet the projected demand from each phase of the project.
- Identification and analysis of transportation facilities and future transportation corridors necessary to serve development area land uses contained in the blue ribbon plan, including guidelines for each modal component to optimize mobility.

[1] The bill defines "missing middle housing" to mean "a range of for-sale and for-rent housing types, including, but not limited to, duplexes, triplexes, townhomes, small multi-family buildings, and small detached single-family homes, that fill the gap between larger single-family homes and larger apartment buildings" that may be vertically and horizontally integrated.

- Identification of other regionally significant public facilities, which must include utilities, parks, and schools, necessary to support the project's permitted density for each phase of the project and policies providing procedures to mitigate the impacts of the project's permitted density on public facilities.
- Identification of regionally significant natural resources within the reserve area based on the best available data and policies, and mechanisms to ensure the perpetual protection or conservation of specific resources, consistent with the overall conservation and development strategy for the project area.
- General principles and guidelines to:
    - Address land uses within the development and reserve areas, including the interrelationships between those areas.
    - Address the protection, restoration, and management of reserve areas identified in the blue ribbon plan for permanent conservation and public use, which must be phased in coordination with the phased development.
    - Achieve a cleaner and healthier environment.
    - Limit urban sprawl.
    - Provide a range of housing types.
    - Protect wildlife and natural areas.
    - Advance the efficient use of land and other resources.
    - Create quality communities of a design that reduces and captures vehicle trips and promotes mobility options.
    - Enhance the prospects for state and local economic development objectives and high-wage job creation.
- Development standards for each type of land use proposed within the development area which is typically found in a planned unit development.[2] (Section 1)

Water and wastewater facilities, transportation facilities, and other regionally significant public facilities must be provided in accordance with concurrency requirements. The bill provides that these facilities may be provided by the applicant, a special district, a local general-purpose government, or the state. (Section 1)

The bill encourages local governments to enter into public-private partnerships to provide public facilities, including partnerships for water storage and other water quality and capacity improvements that operate in the same manner as public-private partnerships for water improvements on private agricultural lands. (Section 1)

If a project under a blue ribbon plan contributes land, funds, or otherwise causes the construction of public facilities necessary for achieving concurrency, the project must receive dollar-for-dollar credits against impact, mobility, proportionate share, or other fee credits from the local government for such facility improvements as required under the concurrency statute.[3] (Section 1)

The bill provides thay any easement granted to the Department of Agriculture and Consumer Services for the Rural and Family Lands Protection Protection Program, or any other easement or property granted to any other state agency, a water management district, or a local government, must be granted without charge. (Section 1)

Local Government Review

An applicant for a BRP must submit his or her application to the applicable county or municipal government for approval. The local government's review of the application is limited to determining whether the proposed BRP meets the bill's requirements, and if the BRP meets its requirements, the applicable local government must approve the project administratively without further action by the local government or any quasi-judicial or administrative reviewing body. (Section 1)

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[2] A "planned unit development" is an area of land that is planned and developed as a single entity or in approved stages with uses and structures substantially related to the character of the entire development, or a self-contained development in which the subdivision and zoning controls are applied to the project as a whole rather than to individual lots. S. 163.3202(5)(b)2., F.S.

[3] S. 163.3180, F.S.

A BRP may be located on land with any future land use designation and with any zoning designation listed in the applicable local government's land development regulations. The local government may not require a comprehensive plan amendment or rezoning for approval of the project. (Section 1)

The bill provides that a BRP application is automatically approved if a local government fails to provide written comments on the application within 60 days after receipt of the application or within 30 days after the applicant files amended application documents that are responsive to the local government's initial review. At any point after the conclusion of the initial 60-day review period, the applicant may request a final determination, which must be made within seven days after receipt of the request. If the local government fails to provide the determination within the seven-day period, the application is automatically approved. (Section 1)

The bill authorizes applicants to hire private companies to conduct plan reviews and building inspections. (Section 1)

Public Notice

If a BRP is approved, the bill requires the applicant to publish notice of the approval in a newspaper of general circulation in the area in which the land is located within 14 days after the approval is issued. The notice must include the local government order number (if any); the section, township, and range in which the BRP is located; and a description of the project. (Section 1)

The applicant must also record the blue ribbon plan in the public records of the county in which the project is located. The bill provides that the plan runs with the title to the land. A recorded plan may be amended using the same review procedures as the initial application, with the local government's review being limited to the portion of the plan being amended. (Section 1)

Appeals Procedure

If a local government denies an application for a BRP, the applicant may appeal the decision by filing a written petition with the Department of Commerce (Department) pursuant to certain provisions of the Administrative Procedure Act,[4] within 21 days after receipt of the denial. The applicant must provide a copy of the notice of appeal to the local government. (Section 1)

Additionally, any person whose substantial interests are or may be affected by a local government's approval of a BRP may file a written petition with the Department challenging the approval. This petition must be filed within 21 days of the publication of public notice of the BRP's approval. The petition must clearly state the reasons for the petition and describe how the project will adversely affect the person more substantially than the general population of the geographical area in which the project is located. The petitioner must provide a copy of the petition to the local government. If the petition is timely filed, the applicant may intervene as a party to the hearing. (Section 1)

Upon receipt of an appeal or petition, the Department must hold a hearing in according with ch. 120, F.S., and determine whether the BRP meets all requirements and issue a final order granting or denying the application. The Department may attach conditions or restrictions to the order. (Section 1)

The bill authorizes a prevailing party in proceedings brought by a person whose substantial interests are or may be affected by the local government's approval of a BRP to be awarded reasonable attorney fees if the non-prevailing party has been determined by the administrative law judge to have participated in the proceeding for an improper purpose.[5] (Section 1)

[4] *See* ss. 120.569 and 120.57, F.S.
[5] *See* s. 120.595, F.S.

Effective Date
The effective date of the bill is July 1, 2026. (Section 2)

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill may have an indeterminate negative fiscal impact on state government to the extent applicants and other parties file appeals with the Department of Commerce challenging local government actions concerning BRPs.

LOCAL GOVERNMENT:

The bill may have an indeterminate fiscal impact on local governments to the extent the development of BRPs require additional local government services and generate additional tax revenue.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Comprehensive Planning
The Community Planning Act[6] provides counties and municipalities with the power to plan for future development by adopting comprehensive plans.[7] Each county and municipality must maintain a comprehensive plan to guide future development and growth.[8]

All development, both public and private, and all development orders approved by local governments must be consistent with the local government's comprehensive plan.[9] A comprehensive plan is intended to provide for the future use of land, which contemplates a gradual and ordered growth, and establishes a long-range maximum limit on the possible intensity of land use.[10]

A locality's comprehensive plan lays out the locations for future public facilities, including roads, water and sewer facilities, neighborhoods, parks, schools, and commercial and industrial developments.[11] A comprehensive plan is made up of 10 required elements, each laying out regulations for a different facet of development.[12] Local governments may also include optional elements in their comprehensive plan.[13] The 10 required elements are:

- Capital improvements.
- Future land use plan.
- Transportation.
- General sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge.
- Conservation.
- Recreation and open space.
- Housing.
- Coastal management.
- Intergovernmental coordination.
- Property rights.[14]

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[6] Ch. 163, Part II, F.S.
[7] S. 163.3167(1), F.S.
[8] S. 163.3167(2), F.S.
[9] S. 163.3194(1)(a), F.S.
[10] *See, e.g.,* Sarasota County, Fla., Comprehensive Plan, Element 3, Ch. 7, FLU Policy 1.1.1 (May 2024).
[11] S. 163.3177(1), F.S.
[12] S. 163.3177(6), F.S.
[13] S. 163.3177(1)(b), F.S.
[14] S. 163.3177(6), F.S.

Comprehensive plans must include at least two planning periods, one covering the first 10-year period occurring after the plan's adoption and one covering a period of at least 20 years.[15] Additional planning periods are permissible and accepted as part of the planning process.

Comprehensive Plan Amendments

Comprehensive plan amendments are generally governed by the state expedited review process, which typically begins with an initial public hearing during which the local government's governing body decides whether to transmit the proposed amendment to the reviewing agencies.[16] The local government's decision must be by an affirmative vote of at least a majority of the governing body's members present at the hearing.[17] Within 10 working days of such hearing, the local government must transmit the plan amendment and appropriate supporting data and analyses to the reviewing agencies for expedited comment[18] and to any other local government or governmental agency that filed a written request for such transmittal with the local government.[19] Interested persons may also provide the local government with written or oral comments, recommendations, or objections to the plan amendment.[20]

Within 180 days after receipt of any agency comments, the local government must generally hold a second public hearing to determine whether to adopt the plan amendment.[21] However, where the proposed plan amendment is a small-scale development amendment,[22] the local government must hold only the public adoption hearing; the initial public hearing is not required.[23] In either case, plan amendment adoption must be by an affirmative vote of at least a majority of the governing body's members present at the hearing, and failure to hold a timely adoption hearing causes the amendment to be deemed withdrawn unless the timeframe is extended by agreement with specified notice to the state land planning agency, which is currently the Department of Commerce (Department), and other parties.[24]

Within 10 working days of the adoption hearing, the local government must transmit the plan amendment to the Department and any affected person who provided timely comments on the amendment.[25] The Department must review the amendment package for any deficiencies and send notice of such deficiencies to the local government within five working days of receipt of the amendment package.[26] If no deficiencies are found, the amendment takes

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[15] S. 163.3177(5)(a), F.S.

[16] Section 163.3184(1)(c), F.S., provides that "reviewing agencies" are the state land planning agency, the appropriate regional planning council, the appropriate water management district, the Department of Environmental Protection, the Department of State, the Department of Transportation, the Department of Education (for plan amendments relating to public schools), the commanding officer of an affected military installation, the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (for county plans and plan amendments), and, for municipal plans and plan amendments, the county in with the municipality is located. Amendments that do not use the state expedited review process include plan amendments that are in an area of critical state concern; propose a rural land stewardship area; propose a sector plan or an amendment to an adopted sector plan; or update a comprehensive plan based on an evaluation and appraisal, which use the state coordinated review process and small-scale development amendments that involve the use of 50 acres or fewer, only proposes a land use change to the future land use map for a site-specific small-scale development activity, and only applies to property not located within an area of critical state concern, absent an exception related to affordable housing development. Ss. 163.3184(2)(b)-(c), (4) and 163.3187, F.S.

[17] S. 163.3184(11), F.S.

[18] The expedited review process is set out in s. 163.3184(3), F.S.

[19] S. 163.3184(3), F.S.

[20] *Id.*

[21] S. 163.3184(3)(c)1., F.S. Plan amendments under the expedited state review process must be adopted within 180 days of the second public hearing held to consider the amendments.

[22] Small-scale comprehensive plan amendments are generally not reviewed by the Department. *See* ss. 163.3184(2)(b) and 163.3187, F.S.
S. 163.3187(1), F.S.

[23] Ss. 163.3184(2) and 163.3187(2), F.S.

[24] S. 163.3184(3), (4), and (11), F.S.

[25] *Id.*

[26] S. 163.3184(3)(c)3. and (4)(e)3., F.S.

effect 31 days after the Department notifies the local government that the amendment package is complete for the expedited state review process, 31 days after the adoption of the amendment for small-scale development amendments, or pursuant to the Department's notice of intent determining the amendment is in compliance for the state coordinated review process.[27]

Amendments to comprehensive land use plans are legislative decisions that are subject to the "fairly debatable" standard of review, even when amendments to plans are being sought as part of a rezoning application in respect to only one piece of property.[28] "Fairly debatable" means that the government's action must be upheld if reasonable minds could differ as to the propriety of the decision reached.[29]

Future Land Use Element

Comprehensive plans must contain an element regarding future land use that designates proposed future general distribution, location, and extent of the uses of land for a number of uses and categories of public and private uses of land.[30] Each future land use category must be defined in terms of uses included, and must include standards to be followed in the control and distribution of population densities and building and structure intensities.[31] The proposed distribution, location, and extent of the various categories of land use must be shown on a land use map or map series. Future land use plans and plan amendments are based on surveys, studies, and data regarding the area[32] and the future land use element must include a future land use map or map series.[33] Future land use plans and plan amendments must be based upon the:

- Amount of land required to accommodate anticipated growth.
- Projected permanent and seasonal population of the area.
- Character of undeveloped land.
- Availability of water supplies, public facilities, and services.
- Need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community.
- Compatibility of uses on lands adjacent to or closely proximate to military installations.
- Compatibility of uses on lands adjacent to an airport.
- Discouragement of urban sprawl.
- Need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy.
- Need to modify land uses and development patterns within antiquated subdivisions.[34]

Land Development Regulations

Comprehensive plans are implemented via land development regulations. Land development regulations are ordinances enacted by governing bodies for the regulation of any aspect of development and include any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land.[35]

Each county and municipality must adopt and enforce land development regulations consistent with and that implement its adopted comprehensive plan.[36] Local governments are encouraged to use innovative land

[27] Ss. 163.3184(3)(c)4., 163.3184(4)(e)4.-5., and 163.3187(5)(c), F.S.
[28] *Martin Cty. v. Yusem*, 690 So.2d 1288, 1293-94 (Fla. 1997).
[29] Gary K. Hunter Jr. and Douglas M Smith, *ABCs of Local Land Use and Zoning Decisions*, 84 Fla. B.J. 20 (January 2010).
[30] S. 163.3177(6)(a), F.S. Applicable uses and categories of public and private uses of land include, but are not limited to, residential, commercial, industrial, agricultural, recreational, conservation, educational, and public facilities. S. 163.3177(6)(a)10., F.S.
[31] S. 163.3177(6)(a)1., F.S.
[32] S. 163.3177(6)(a)2., F.S.
[33] S. 163.3177(6)(a)10., F.S.
[34] S. 163.3177(6)(a)2., F.S.
[35] S. 163.3164(26), F.S.
[36] S. 163.3202(1), F.S.

development regulations[37] and may adopt measures for the purpose of increasing affordable housing using land-use mechanisms.[38]

Zoning

A comprehensive plan's future land use element establishes a range of allowable uses and densities[39] and intensities[40] over large areas, while the specific use and intensities for specific parcels within that range are decided by a more detailed, implementing zoning map.[41]

Zoning maps and zoning districts are adopted by a local government for developments within each land use category or sub-category. While land uses are general in nature, one or more zoning districts may apply within each land use designation.[42] Common regulations within the zoning map districts include density, height and bulk of buildings, setbacks, and parking requirements. Regulations for a zoning category in a downtown area may allow for more density and height than allowed in a suburb, for instance.

If a developer or landowner believes that a proposed development may have merit but it does not meet the requirements of a zoning map in a jurisdiction, the developer or landowner can seek a rezoning through a rezoning application.[43] Rezoning applications are initially reviewed by local government staff, followed by a review by an appointed body that makes recommendations to the governing body of the local government, which makes the final determination.[44] If a property has unique circumstances or small nonconformities but otherwise meets zoning regulations, local governments may ease restrictions on certain regulations such as building size or setback through an application for a variance.[45] However, any action to rezone or grant a variance must be consistent with the local government's comprehensive plan.

Ordinances or resolutions that change the actual list of permitted, conditional, or prohibited uses within a zoning category or ordinances or resolutions initiated by the local government that change the actual zoning map designation of a parcel or parcels of land must follow additional enhanced notice requirements:

- If the area affected is less than 10 acres, the local government must notify by mail each property owner and hold a public meeting to discuss the ordinance or resolution before passage.
- If the area affected is 10 acres or greater, the local government must hold two separate meetings to discuss the changes, and notice the public through either mail to each property owner or to the public generally by newspaper.[46]

Comprehensive rezonings affecting a large portion of the public are legislative in nature, and are subject to the fairly debatable standard of review, while rezoning actions that can be viewed as policy application, rather than policy setting, and which have an impact on a limited number of persons or property owners, are quasi-judicial in nature, and are properly reviewable by petition for certiorari on which they are subject to strict scrutiny and to substantial evidence standard.[47]

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[37] S. 163.3202(3), F.S.
[38] Ss. 125.01055 and 166.04151, F.S.
[39] "Density" means an objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre. S. 163.3164(12), F.S.
[40] "Intensity" means an objective measurement of the extent to which land may be developed or used, including the consumption or use of the space above, on, or below ground; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services. S. 163.3164(22), F.S.
[41] Richard Grosso, *A Guide to Development Order "Consistency" Challenges Under Florida Statutes Section 163.3215*, 34 J. Envtl. L. & Litig. 129, 154 (2019) citing *Brevard Cnty. v. Snyder*, 627 So. 2d 469, 475 (Fla. 1993).
[42] *See, e.g.,* Indian River County, *Planning and Development Services FAQ* (last visited Feb. 11, 2026).
[43] *See e.g.,* City of Tallahassee, *Application for Rezoning Review* (last visited Feb. 11, 2026).
[44] *See id.* and City of Redington Shores, *Planning and Zoning Board* (last visited Feb. 11, 2026).
[45] *See e.g.*, City of Tallahassee, *Variance and Appeals* and Seminole County, *Variance Processes* (last visited Feb. 11, 2026).
[46] *See* ss. 125.66(5) and 166.041(3), F.S.
[47] *Brevard Cnty. v. Snyder*, 627 So. 2d 469, 474-75 (Fla. 1993).

Concurrency

In the context of comprehensive planning, "concurrency" refers to the concept of providing additional public facilities necessary to achieve and maintain standards of service in the community in a timely manner in response to increased demand caused by development.[48] All local government comprehensive plans must provide for concurrency in providing public facilities and services for sanitary sewer, solid waste, drainage, and potable water, but local governments may extend concurrency requirements to other public facilities such as transportation and schools.[49] When concurrency is applied to other public facilities and services, the local comprehensive plan must provide sufficient principles, standards, and adopted levels of service to guide its implementation.[50] Concurrency requirements apply to state facilities and other public facilities to the same extent as all other facilities and development.[51]

One method of funding local government concurrency requirements is through the adoption and imposition of impact fees on new development. Local governments impose impact fees to fund infrastructure[52] needed to expand local services to meet the demands of population growth caused by new development.[53] The types of impact fees charged and the timing of their collection after issuing a building permit are within the discretion of the local government or special district authorities choosing to impose the fees.[54] In general, a building permit must be obtained before the construction, erection, modification, repair, or demolition of any building.[55]

Development Rights

Land development, especially large-scale development, is completed in stages. During the development process, a landowner will often commence a particular land use activity in accordance with then-current zoning regulations that are amended at some later point in the development process in a manner that would prohibit the use. At this point, a landowner may claim a vested right to complete his or her project under the prior zoning regulations. Essentially, the landowner is asserting that when he or she commenced development activities under the prior zoning scheme, he or she acquired a property right, which cannot now be abridged by the government's exercise of its police powers, that is, the amended zoning ordinance.[56]

Florida common law provides that vested rights may be established if a landowner or development has made a substantial change in position or has incurred extensive obligations that would make interfering with the acquire right inequitable in good faith reliance on an act or omission of government.[57]

Florida law also allows for local governments to enter into development agreements with developers.[58] These agreements are "contract[s] between a local government and a property owner/developer, which provides the developer with vested rights by freezing the existing zoning regulations applicable to a property in exchange for public benefits."[59] A development agreement must contain:

- A legal description of the land subject to the agreement and the names of its legal and equitable owners.
- The duration of the agreement.

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[48] *See* s. 163.3180(5)(d), F.S. *See also*, David M. Layman, *Concurrency and Moratoria*, 71 Fla. B.J. 49 (January 1997).
[49] S. 163.3180(1), (5), and (6), F.S.
[50] S. 163.3180(1)(a), F.S.
[51] S. 163.3180(4), F.S.
[52] "Infrastructure" means the fixed capital expenditure or outlay for the construction, reconstruction, or improvement of public facilities with a life expectancy of five or more years, together with specific other costs required to bring the public facility into service but excluding the costs of repairs or maintenance. The term also includes specific equipment. S. 163.31801(3), F.S.
[53] S. 163.31801(2), F.S. Water and sewer connection fees are not impact fees. S. 163.31801(12), F.S.
[54] *See* s. 163.31801(2), F.S.
[55] S. 553.79, F.S.
[56] 35 Am. Jur. Proof of Facts 3d s. 385 (1996).
[57] *Monroe Cnty. v. Ambrose*, 866 So.2d 707, 710 (Fla. 3rd DCA 2003).
[58] S. 163.3220(4), F.S.; See ss. 163.3220-163.3143, F.S., known as the "Florida Local Government Development Agreement Act."
[59] *Morgran Co., Inc. v. Orange County*, 818 So. 2d 640 (Fla. 5th DCA 2002); 7 Fla. Jur 2d Building, Zoning, and Land Controls § 168 (2019)

- The development uses permitted on the land, including population densities, and building intensities and height.
- A description of public facilities that will service the development, including who will provide such facilities, the date any new facilities (if needed) will be constructed, and a schedule to assure public facilities are available concurrent with the impacts of the development.
- A description of any reservation or dedication of land for public purposes.
- A description of all local development permits approved or needed to be approved for the development of the land.
- A finding that the development permitted or proposed is consistent with the local government's comprehensive plan and land development regulations.
- A description of any conditions, terms, restrictions, or other requirements determined to be necessary by the local government for the public health, safety, or welfare of its citizens.
- A statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction does not relieve the developer of the necessity of complying with the law governing said permitting requirements, conditions, terms, or restrictions.[60]

Within 14 days after a local government enters into a development agreement, the local government must record the agreement with the clerk of the circuit court in the county where the local government is located, and such an agreement is not effective until it is properly recorded.[61] A development agreement binds any person who obtains ownership of a property already subject to an agreement (successor in interest).[62] A development agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest.[63]

Public-private Partnerships

Public-private partnerships (P3s) are contractual arrangements between public entities and private sector entities[64] that facilitate increased private sector involvement in the funding and execution of public building and infrastructure projects. These agreements enable the collaboration of skills and assets from both sectors to provide services or facilities for the benefit of the general public. In addition to resource sharing, both parties assume shared risks and potential rewards throughout the delivery of the service or facility.[65] Several statutes promote and offer direction for P3 projects, including those for services and facilities related to transportation,[66] housing,[67] and education.[68]

Responsible public entities (RPEs)[69] engage in P3 projects aimed at developing an extensive array of public-use facilities or projects that fulfill a public purpose. Examples of qualifying projects include those for mass transit, vehicle parking, airports or seaports, educational facilities, and public sector buildings or complexes such as courthouses or city halls.[70] Current law outlines specific requirements to which RPEs must adhere, including

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[60] S. 163.3227(1) and (2), F.S.; 7 Fla. Jur 2d Building, Zoning, and Land Controls § 168 (2019).
[61] S. 163.3239, F.S.; 7 Fla. Jur 2d Building, Zoning, and Land Controls § 168 (2019).
[62] A successor in interest is one who follows another in ownership or control of property. A successor in interest retains the same rights as the original owner, with no change in substance. Black's Law Dictionary 1473 (8th ed. 2004); s. 163.3239, F.S
[63] S. 163.3237, F.S.
[64] "Private entity" means any natural person, corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, nonprofit entity, or other private business entity. S. 255.065(1)(g), F.S.
[65] *See* Brian W. Rowlson, *Public Private Partnerships: The Future of Public Construction in Florida?*, 86 Fla. B.J. 36 (July/August 2012)
[66] *See* s. 334.30, F.S., relating to public-private transportation facilities.
[67] *See* s. 420.0003(2)(b), F.S., relating to state housing strategy.
[68] *See* s. 1013.35, F.S., relating to school district educational facilities plans.
[69] "Responsible public entity" means a county, municipality, school district, special district, or any other political subdivision of the state; a public body corporate and politic; or a regional entity that serves a public purpose and is authorized to develop or operate a qualifying project. S. 255.065(1)(j), F.S.
[70] "Qualifying project" means a facility or project that serves a public purpose, including, but not limited to, any ferry or mass transit facility, vehicle parking facility, airport or seaport facility, rail facility or project, fuel supply facility, oil or gas pipeline, medical or nursing care facility, recreational facility, sporting or cultural facility, or educational facility or other building or

protocols for reviewing and approving proposals.[71] Additionally, agreements for P3s for water storage, groundwater recharge, and water quality improvements must document the baseline condition of wetlands and other surface waters before any improvements are constructed.[72]

Private Providers for Plans Review and Building Inspections

Current law allows property owners and contractors to hire licensed building code officials, engineers, and architects, referred to as private providers,[73] to review building plans, perform building inspections, and prepare certificates of completion.[74] Private providers and their duly authorized representatives are able to approve building plans and perform building code inspections as long as the plans approval and building inspections are within the scope of the provider's or representative's license.

When a private provider submits an application for a permit, the local building official may provide a written notice of plan deficiencies within certain prescribed time periods, which may lead to a permit denial,[75] The local building official may visit a building site as often as necessary to verify that the private provider is performing all required inspections.[76] A deficiency notice must be posted by the private provider, a duly authorized representative of the private provider, or the local building code enforcement agency whenever a noncomplying item related to the building code or the permitted documents is found.[77] A local building code enforcement agency may audit the performance of building code inspection services by private providers operating within the local jurisdiction if the agency has created certain standard operating private provider audit procedures for the agency's internal inspection and review staff.[78]

If an owner or contractor opts to use a private provider for purposes of plans review or building inspection services, the local government must calculate the cost savings to its building department and reduce the building permit fees accordingly.[79] Additionally, a local government may not charge a fee for building inspections when an owner or contractor uses a private provider but may charge a reasonable administrative fee for the clerical and supervisory assistance required.[80]

Rural and Family Lands Protection Program

The Rural and Family Lands Protection Program (RFLPP) is a land preservation program within Department of Agrilculture and Consumer Services (DACS) that was created to protect agricultural lands through the acquisition of permanent agricultural land conservation easements.[81] Through the RFLPP, DACS, on behalf of the Board of

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facility that is used or will be used by a public educational institution, or any other public facility or infrastructure that is used or will be used by the public at large or in support of an accepted public purpose or activity; an improvement, including equipment, of a building that will be principally used by a public entity or the public at large or that supports a service delivery system in the public sector; a water, wastewater, or surface water management facility or other related infrastructure; or notwithstanding any provision of this section, for projects that involve a facility owned or operated by the governing board of a county, district, or municipal hospital or health care system, or projects that involve a facility owned or operated by a municipal electric utility, only those projects that the governing board designates as qualifying projects pursuant to this section. S. 255.065(1)(i), F.S.

[71] "Proposal" means a plan for a qualifying project with detail beyond a conceptual level for which terms such as fixing costs, payment schedules, financing, deliverables, and project schedule are defined. S. 255.065(1)(h), F.S.

[72] S. 373.4591, F.S.

[73] A "private provider" is a person licensed as a building official, engineer, or architect, and includes licensed building inspectors and plans examiners who perform inspections for additions and alterations that are limited to 1,000 square feet or less in residential buildings. S. 553.791(1)(n), F.S.

[74] S. 553.791, F.S.

[75] S. 553.791(7), F.S.

[76] S. 553.791(9), F.S.

[77] *Id*.

[78] S. 553.791(20), F.S.

[79] "Such reduction may be calculated on a flat fee or percentage basis, or any other reasonable means by which a local enforcement agency assesses the cost for its plans review or inspection services." S. 553.791(2)(b), F.S.

[80] S. 553.791(2)(b), F.S.

[81] Dept. of Agriculure and Consumer Services, *Rural and Family Lands Protection Program*, (last visited Feb. 11, 2026).

Trustees of the Internal Improvement Trust Fund (Board),[82] is authorized to allocate money to acquire perpetual, less-than-fee interests in land, enter into agricultural protection agreements, and enter into resource conservation agreements.[83] To qualify for acquisition, the agricultural land must protect the integrity and function of working landscapes, ensure opportunities for viable agricultural activities on working lands threatened by conversion to other uses, and meet at least one of the following public purposes:

- Promoting and protecting wildlife habitats.
- Perpetuating open space on working lands that contain significant natural areas.
- Protecting, restoring, or enhancing water bodies, aquifer recharge areas, wetlands, or watersheds.
- Protecting agricultural lands threatened by conversion to other uses.[84]

Under the RFLPP, lands must be acquired pursuant to a priority ranking.[85] To develop the RFLPP priority list, DACS first reviews applications to evaluate the agricultural operation, whether best management practices are being implemented, and the suitability of the land for long-term agricultural use.[86] This information is then compiled into an evaluation report and provided to the Rural and Family Lands Selection Committee (Committee), the members of which are appointed by the Commissioner of DACS.[87] At a publicly noticed meeting, the Committee receives public comment, considers the eligibility of both new applications and projects on the existing priority list, and adopts a new list of projects in tiered priority order that qualify for acquisition under the RFLPP.[88] The Committee must give preference to ranch and timber lands that are managed using certain sustainable practices.[89] The priority list is then sent to the Board for approval.[90] The newly approved priority list supersedes any previous RFLPP priority lists.[91]

Before a parcel may be approved for acquisition by DACS, an appraisal must be conducted.[92] Where the estimated value of a parcel exceeds $5 million, two appraisals must be conducted. If both appraisals of a parcel exceed $5 million and differ significantly, a third appraisal may be conducted. Fees associated with the appraisal process are paid by DACS.[93] Appraisal reports are confidential and exempt from public records disclosure until an option contract is executed, if applicable, or until two weeks before a contract or agreement for purchase is considered for approval by the Board.[94] However, DACS may disclose an appraisal report to a private landowner during negotiations for acquisition or to public agencies or nonprofit organizations that agree to maintain the confidentiality of the report when a joint acquisition of property is contemplated.

Through the RFLPP, the state has acquired conservation easements for over 222,000 acres of working agricultural land.[95] All perpetual easements acquired under the RFLPP must adhere to best management practices established by DACS.[96]

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[82] The Board consists of the Governor, Attorney General, Chief Financial Officer, and Commissioner of Agriculture. S. 253.001, F.S.
[83] S. 570.71(1), F.S.
[84] *Id.*
[85] S. 570.71(10), F.S.
[86] R. 5I-7.005, F.A.C
[87] R. 5I-7.007(1), F.A.C.
[88] R. 5I-7.007(4), F.A.C.
[89] S. 570.71(10), F.S., R. 5I-7.007(2), F.A.C.
[90] R. 5I-7.007(6), F.A.C.
[91] R. 5I-7.007(10), F.A.C.
[92] S. 570.715(1)(b)1., F.S.
[93] S. 570.715(1)(b)2., F.S.
[94] S. 570.715(5), F.S.
[95] Dept. of Agriculure and Consumer Services, *Rural and Family Lands Protection Program*, (last visited Feb. 11, 2026).
[96] R. 5I-7.014(3), F.A.C.

Florida Wildlife Corridor

A wildlife corridor is a network of connected wildlife habitats the existence of which is necessary "for the long-term survival of and genetic exchange amongst regional wildlife populations."[97] Wildlife corridors prevent the fragmentation of wildlife populations "by providing ecological connectivity of the lands needed to furnish adequate habitats and allow safe movement and dispersal."[98] In 2021, the Legislature created the Florida Wildlife Corridor (Corridor)[99] to preserve and protect a "vital habitat for wide-ranging wildlife, such as the Florida panther."[100] The Corridor currently comprises almost 17.7 million acres of land, which include 9.6 million acres of conserved land[101] and 8.1 million acres of opportunity areas[102] that do not have conservation status.[103]

The Department of Environmental Protection is required to promote and encourage methods of investing in and protecting the Corridor, including encouraging all agencies that acquire lands to include in their land-buying efforts the acquisition of sufficient legal interest in opportunity areas to ensure the continued viability of the Corridor.[104] Because there is no land acquisition program specifically for acquiring lands that are located within the Corridor, initiatives such as the Florida Forever Program and the Rural and Family Lands Protection Program are used to acquire such lands.

New Urban Design

New urban design, also commonly referred to as new urbanism, is an urban design movement that focuses on traditional neighborhood principles in community planning, such as mixed commercial and residential land uses, close proximity between homes and work, and increased housing density.[105] The concept gained popularity during the 1990s as a planning initiative designed to ameliorate the social and environmental consequences of sprawl, a landscape increasingly recognized and denigrated as auto-dependent, wasteful, and unsustainable. Hallmarks of new urban design include:

- Livable streets arranged in compact, mixed use, walkable blocks.
- Neighborhoods with a range of housing choices to serve people of diverse ages, ethnicities, and income levels.
- Schools, stores, and other nearby destinations reachable by walking, bicycling, or transit service.
- An affirming, human-scaled public realm where appropriately designed buildings define and enliven streets and other public spaces.
- Communities and regions that are sustainable and resilient.[106]

Affordable Housing

Housing is considered affordable when it costs less than 30 percent of a family's gross income.[107] A family paying more than 30 percent of its income for housing is considered "cost burdened," while those paying more than 50

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[97] S. 259.105(4)(g), F.S.
[98] *Id.*
[99] Ch. 2021-181, Laws of Fla.
[100] S. 259.1055(2), F.S.
[101] "Conserved lands" means federal, state, or local lands owned or managed for conservation purposes, including, but not limited to, federal, state, and local parks; federal and state forests; wildlife management areas; wildlife refuges; military bases and airports with conservation lands; properties owned by land trusts and managed for conservation; and privately owned land with a conservation easement, including, but not limited to, ranches, forestry operations, and groves. S. 259.1005(4)(a), F.S.
[102] "Opportunity area" means those lands and waters within the Florida wildlife corridor that are not conserved lands and the green spaces within the Florida wildlife corridor which lack conservation status, are contiguous to or between conserved lands, and provide an opportunity to develop the Florida wildlife corridor into a statewide conservation network. S. 259.1005(4)(e), F.S.
[103] Florida Wildlife Corridor Foundation, *Maps* (last visited Feb. 11, 2026).
[104] S. 259.1005(5), F.S.
[105] Matthew B. Anderson, New Urbanism, International Encyclopedia of Geography: People, the Earth, Environment and Technology, pp. 1-3 (2017).
[106] Congress for the New Urbanism, *CNU invites applications for President and CEO* (last visited Feb. 11, 2026).
[107] S. 420.0004(3), F.S.

percent are considered "extremely cost burdened." Severely cost burdened households are more likely to sacrifice other necessities such as healthy food and healthcare to pay for housing, and to experience unstable housing situations such as eviction.

Affordable housing is defined in terms of household income. Resident eligibility for state and federally-funded housing programs is governed by area median income (AMI) or statewide median family income,[108] published annually by the United States Department of Housing and Urban Development (HUD).[109] The following are standard household income level definitions and their relationship to the 2025 Florida statewide AMI of $95,300 for a family of four (as family size changes, the income range also varies):

- Extremely low income – earning up to 30 percent of AMI (at or below $28,590).[110]
- Very low income – earning from 30.01 to 50 percent of AMI ($28,591 to $47,650).[111]
- Low income – earning from 50.01 to 80 percent of AMI ($47,651 to $76,240). [112]
- Moderate income – earning from 80.01 to 120 percent of AMI ($76,241 to $114,360).[113]

Florida Hometown Hero Program

The Florida Hometown Hero Program is a homeownership assistance program administered by the Florida Housing Finance Corporation (FHFC).[114] Under the program, eligible first-time homebuyers, servicemembers, or veteran may access zero-interest loans to reduce the amount of the down payment and closing costs by a minimum of $10,000 to a maximum of 5 percent or $35,000, whichever is less.[115] Loans must be repaid when the property is sold, refinanced, rented, or transferred unless otherwise approved by FHFC. Repayments for loans made under this program must be retained within the program to make additional loans.[116]

Loans under the program are available to qualifying homebuyers seeking first mortgages whose family incomes do not exceed 150 percent of the state or local AMI, whichever is greater, and are employed full-time by a Florida-based employer.[117] The borrower must provide documentation of full-time employment, or full-time status for self-employed individuals.

Administrative Hearings

The Administrative Procedure Act[118] provides a process for determining when an agency action affects a person's substantial interests.[119] The process differs depending on whether the hearing involves a disputed issue of material fact.[120] If the dispute does not involve a disputed issue of material fact, the agency must:

- Give reasonable notice to all parties of the agency's action or inaction, including a summary of factual, legal, and policy grounds for making the decision.
- Give parties or their counsel the option to present the agency or hearing officer evidence in opposition to the action or inaction or provide a written statement.

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[108] The 2025 Florida SMI for a family of four was $95,300. U.S. Dept. of Housing and Urban Development, *FY 2025 Median Family Incomes for States, Metropolitan and Nonmetropolitan Portions of States* (last visited Feb. 11, 2026).
[109] *Id*.
[110] S. 420.0004(9), F.S.
[111] S. 420.0004(17), F.S.
[112] S. 420.0004(11), F.S.
[113] S. 420.0004(12), F.S.
[114] Ch. 2023-17, s. 35, Laws of Fla., codified as s. 420.5096, F.S.
[115] S. 420.5096(2), F.S. New loans issued during the 2025-2026 fiscal year are limited to person employed full-time by a Florida-based employer as a health care worker, school staff member, first responder, public safety or court employee, or child care worker, servicemembers, and veterans who are employed full-time by a Florida-based employer. Ch. 2025-199, s. 107, Laws of Fla., codified as s. 420.5096(6), F.S.
[116] S. 420.5096(5), F.S.
[117] S. 420.5096(3), F.S.
[118] Ch. 120, F.S.
[119] S. 120.569, F.S.
[120] S. 120.569(1), F.S.

- If the objections of the parties are overruled, provide a written explanation within seven days.[121]

If a disputed issue of material fact does exist, the issue is assigned to an administrative law judge who conducts a hearing in which all parties have an opportunity to respond, present evidence and argument on all issues involved, conduct cross-examination and submit rebuttal evidence, submit proposed findings of facts and orders, and file exceptions to the presiding officer's recommended order.[122] A hearing may only occur if the agency determines the petition contains all required information.[123]

Unless waived or extended with the consent of all parties, a final order in the proceeding must be rendered within 90 days:

- After the hearing is concluded, if conducted by the agency;
- After a recommended order is submitted to the agency and mailed to all parties, if the hearing is conducted by an administrative law judge; or
- After the agency has received the written and oral material it has authorized to be submitted, if there has been no hearing.[124]

The final order must be in writing and include findings of fact, if any, as well as the conclusions of law.[125]

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Intergovernmental Affairs Subcommittee	12 Y, 2 N, As CS	12/11/2025	Darden	Darden
THE CHANGES ADOPTED BY THE COMMITTEE:	• Allows reserve area to used for conservation easements and agreements as part of the Department of Agriculture and Consumer Services's Rural and Family Lands Protection Program. • Revises affordable housing provisions to define affordability using the same definition used for state affordable housing programs. • Requires any easements or property granted by the applicant to a state agency, local government, or water management district to be granted without charge.			
Commerce Committee			Hamon	Wright
State Affairs Committee				

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.

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[121] S. 120.57(2)(a), F.S.
[122] S. 120.57(1), F.S.
[123] S. 120.569(2)(c)-(d), F.S.
[124] S. 120.569(2)(l), F.S.
[125] *Id.*

A bill to be entitled

An act relating to blue ribbon projects; creating s. 163.3249, F.S.; providing a purpose and legislative intent; defining terms; requiring that a development project meet certain requirements to qualify as a blue ribbon project; specifying maximum residential density and nonresidential intensity permitted within the development area of a blue ribbon project; requiring that a specified percentage of the project's residential units meet certain requirements; authorizing the development of the development area in phases for a specified purpose; providing that development rights and mitigation of project impacts shall be vested for at least a certain period, which may be extended under certain circumstances; requiring that a blue ribbon project have a blue ribbon plan; providing requirements for such plan; specifying that a plan is not required to demonstrate certain need; requiring that a project receive dollar-for-dollar credits from a local government under certain circumstances; specifying that certain easements or property must be granted without charge; specifying that a project may be located on land with any future land use designation or zoning designation; prohibiting the required amendment of a comprehensive

plan or a required rezoning for approval of a project; authorizing a landowner to apply to the local government for approval of a project; requiring that a project that meets certain requirements receive administrative approval; limiting local government review of a project; providing for the automatic approval of a project under certain circumstances; authorizing applicants to hire private companies to conduct plan reviews and building inspections; requiring an applicant to publish notice of an approved project in a specified manner; requiring an applicant to record the plan for an approved project in the public records of the county in which the project property is located; prohibiting an applicant from amending a recorded plan without undergoing a specified review; authorizing an applicant to appeal the denial of a project application to the Department of Commerce in a specified manner; authorizing a person whose substantial interests are or may be affected by approval of a project to file a petition with the department requesting an administrative hearing in a specified manner; providing requirements for such petition; requiring the department to hold certain hearings before issuing certain orders; requiring the department to determine whether a

project meets certain requirements and issue a final order; providing applicability; providing an effective date.

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

Section 1. Section 163.3249, Florida Statutes, is created to read:

163.3249 Blue ribbon projects.—

(1) PURPOSE AND INTENT.—The purpose of this section is to ensure the appropriate use of important state resources and facilities. It is the intent of the Legislature to accomplish this goal by incentivizing large landowners in this state to be good stewards of the natural environment while at the same time promoting a more sustainable pattern of development. The Legislature intends to create blue ribbon projects, and to provide a mechanism by which local governments shall implement those projects within their boundaries, in order to promote the goals of preserving natural areas, encouraging agricultural land uses and rural land stewardship, protecting critical ecological systems, expanding wildlife corridors, and providing more compact mixed-use developments designed for long-term viability.

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

(a) "Applicant" means the owner of land on which a blue ribbon project is proposed.

(b) "Blue ribbon plan" or "plan" means the plan required by subsection (5).

(c) "Blue ribbon project" or "project" means a project that meets the requirements of subsection (3).

(d) "Development area" means land that may be developed with residential, commercial, industrial, or other uses.

(e) "Missing middle housing" means a range of for-sale and for-rent housing types, including, but not limited to, duplexes, triplexes, townhomes, small multifamily buildings, and small detached single-family homes, that fill the gap between larger single-family homes and larger apartment buildings. Such housing may be vertically and horizontally integrated.

(f) "New urban design" means a development design that creates walkable, mixed-use, human-centered places.

(g) "Reserve area" means land that is set aside for environmental conservation, wildlife corridors, wetland and wildlife mitigation, productive agriculture and silviculture, conservation easements granted to the Department of Agriculture and Consumer Services pursuant to s. 570.71, activities permitted by conservation agreements entered into with the Department of Agriculture and Consumer Services pursuant to s. 570.71, parks, recreational activities, utility sites, reservoirs and lakes, and uses that support such activities.

(3) MINIMUM REQUIREMENTS.—A development project must meet all of the following requirements to qualify as a blue ribbon

project:

(a) The project must contain a minimum of 10,000 acres of land which are contiguous, as defined in s. 163.3163(3)(a), and which are owned by the same person or by entities owned or controlled by the same person.

(b) At least 60 percent of the land contained in the project must be reserve area. If any project boundary is contiguous to state-owned environmental preservation land or the Florida wildlife corridor, a portion of the project's reserve area must be located adjacent to the state-owned land or the Florida wildlife corridor, as applicable.

(c) Up to 40 percent of the land contained in the project may be development area. The development area must meet all of the following requirements:

1. Individual development areas within the project must be designed to enhance walkability and mobility and must include a mixture of land uses.

2. At least 10 percent of the development area must be allocated to nonresidential land use.

3. A portion of the development area must be allocated to uses intended to provide economic development and create high-wage jobs. The development area so allocated must be in a location that is accessible to an interstate interchange, a state road, a rail line, or an airport or other transportation facility.

4. The development area must have a dense, walkable, mixed-use, human-centered development pattern that includes new urban design, including, but not limited to, towns, villages, and hamlets that have reserve area between them.

5. Types of residential units within the development area must be varied and include single-family, multifamily, and attached and detached residential units.

(4) DEVELOPMENT AREA DENSITIES AND INTENSITIES.—

(a) A maximum residential density of 12 units per gross acre, and a maximum nonresidential intensity of 85 percent impervious surface ratio per gross acre, is permitted within the development area, as measured in combination throughout all phases of the project.

(b) At least 20 percent of residential units within the development area in each phase of the project must be a combination of the following:

1. Housing that is affordable, as defined in s. 420.0004, for natural persons or families who meet the extremely-low-income, very-low-income, or low-income limits specified in s. 420.0004.

2. Missing middle housing.

3. Housing that is affordable, as defined in s. 420.0004, for persons eligible for the Florida Hometown Hero Program under s. 420.5096.

(c) The development area may be developed in phases to

accommodate growth projections in the geographical area in which the project is located. Development rights and mitigation of project impacts shall be vested for at least 50 years. If the applicant achieves development as defined in s. 380.04 of at least 50 percent of the development area within 50 years after the project's date of initial public dedication of infrastructure, the vested period must be extended for an additional 25 years.

(5) BLUE RIBBON PLANS.—A blue ribbon project must have a blue ribbon plan, which is the master development plan for the project. Blue ribbon plans must include a document that addresses the requirements of this section and exhibits, including maps, illustrations, and text supported by data and analysis, that demonstrate compliance therewith. The plan must include all of the following:

(a) A long-term master development map that, at a minimum, generally depicts the locations of reserve area and development area throughout the project area.

(b) Identification and analysis of necessary water supplies and available sources of water, including water resource development and water supply development projects, and water conservation measures required to meet the projected demand from each phase of the project. Water and wastewater facilities must be provided in compliance with s. 163.3180. Such facilities may be provided by the applicant, a special district,

a local government, or the state. Local governments are encouraged to enter into public-private partnerships to accomplish water storage and other water quality and capacity improvements within the boundaries of blue ribbon projects pursuant to s. 373.4591.

(c) Identification and analysis of the transportation facilities and future transportation corridors necessary to serve development area land uses in the master development plan, including guidelines to be used to establish each modal component intended to optimize mobility. Transportation facilities must be provided in compliance with s. 163.3180. Such facilities may be provided by the applicant, a special district, a local government, or the state. Internal roads must be designed in accordance with the Department of Transportation's traditional neighborhood development guidelines provided in chapter 19 of the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, 2023 Edition.

(d) Identification of other regionally significant public facilities necessary to support the project's permitted density as provided in paragraph (4)(a) for each phase of the project, which facilities must include utilities, parks, and schools, and policies providing the procedures to mitigate the impacts of the project's permitted density on public facilities. Public facilities must be provided in compliance with s. 163.3180. Such

facilities may be provided by the applicant, a special district, a local government, or the state. Local governments are encouraged to enter into public-private partnerships pursuant to s. 255.065 to provide qualifying public facilities within the boundaries of blue ribbon projects.

(e) Identification of regionally significant natural resources within the reserve area based on the best available data and policies, and provision of mechanisms to ensure the perpetual protection or conservation of specific resources, consistent with the overall conservation and development strategy for the project area.

(f) General principles and guidelines that do all of the following:

1. Address the land uses within the development area and reserve area, and the interrelationships between such areas.

2. Address the protection and, as appropriate, restoration and management of reserve areas identified in the recorded blue ribbon plan for permanent conservation and public use, which must be phased in coordination with the phased development within the development area as specified in the master development plan.

3. Achieve a cleaner, healthier environment.

4. Limit urban sprawl.

5. Provide a range of housing types.

6. Protect wildlife and natural areas.

7. Advance the efficient use of land and other resources.

8. Create quality communities of a design that reduces and captures vehicle trips and promotes mobility options.

9. Enhance the prospects for state and local economic development objectives and high-wage job creation.

(g) Development standards for each type of land use proposed within the development area which is typically found in a planned unit development as defined in s. 163.3202(5)(b).

A blue ribbon plan must be based on a planning period longer than the generally applicable planning period of the local comprehensive plan and must specify the projected population within the planning area during the chosen planning period. A plan is not required to demonstrate need based on projected population growth or any other basis. If under the plan a project contributes land or funds or otherwise causes the construction of public facilities pursuant to s. 163.3180, the project must receive dollar-for-dollar credits against impact, mobility, proportionate share, or other fee credits from the local government for such facility improvements as required by s. 163.3180. A blue ribbon plan must provide that any easement granted to the Department of Agriculture and Consumer Services pursuant to s. 570.71 for portions of the reserve area that will be reserved for uses consistent with that section must be granted without charge. The granting of the easement shall occur

upon agreement between the Department of Agriculture and Consumer Services and the landowner regarding allowable uses of the easement interest. If an easement or property is granted to any other state agency, water management district, or local government, the easement or property shall be granted without charge.

(6) LOCAL GOVERNMENT ADMINISTRATIVE REVIEW OF BLUE RIBBON PLANS.—

(a) A blue ribbon project may be located on land with any future land use designation provided in the applicable local government's comprehensive plan and with any zoning designation listed in the applicable local government's land development regulations. A comprehensive plan amendment or rezoning may not be required for approval of a project.

(b) A landowner may apply to the local government for approval of a blue ribbon project. A project that meets the requirements of this section must be administratively approved without further action by the local government or any quasi-judicial or administrative reviewing body. Local government review of a project is limited to review for compliance with this section. If the local government fails to provide written comments on a project application within 60 days after receipt of the application, or within 30 days after the applicant files amended application documents that are responsive to initial local government review, the application is automatically

approved. At any point after the local government's initial 60-day review period, the applicant may request a final determination by the local government, and the local government must provide the determination within 7 days after receipt of such request. If the local government fails to provide the determination within the 7-day period, the application is automatically approved.

(c) Applicants may hire private companies to conduct plan reviews and building inspections pursuant to s. 553.791.

(d) If a blue ribbon project is approved, the applicant must publish notice of such approval in a newspaper of general circulation in the area in which the land is located. The notice must include the local government order number, if any; the section, township, and range in which the land is located; and a description of the project. The notice must be published within 14 days after the approval is issued.

(e) After a blue ribbon project has been reviewed and approved, the applicant must record the blue ribbon plan in the public records of the county in which the project property is located, and the plan shall run with title to the land. The applicant may not amend the recorded plan without undergoing local government review of the plan amendment in accordance with paragraph (b). Local government review of a plan amendment is limited to the portions of the plan which are being revised.

(7) APPEAL PROCEDURE.—

(a) If a local government denies an application for a blue ribbon project, the applicant may appeal the decision by filing a written petition with the Department of Commerce within 21 days after the date on which the applicant receives the local government's written notice of application denial. The applicant shall provide a copy of the notice of appeal to the local government.

(b) Any person whose substantial interests are or may be affected by the local government's approval of a blue ribbon project may request an administrative hearing by filing a written petition with the Department of Commerce pursuant to ss. 120.569 and 120.57. The petition must be filed with the Department of Commerce within 21 days after newspaper publication of the notice of the local government decision in accordance with paragraph (6)(d). The petition must clearly state the reasons for the petition and describe how the project will adversely affect the person more substantially than the general population of the geographical area in which the project is located. A copy of the petition must also be provided to the local government. If a petition is timely filed pursuant to this subsection, the applicant may intervene as a party to the hearing.

(c) Before issuing an order on an appeal or petition under this subsection, the Department of Commerce must hold a hearing in accordance with chapter 120.

(d) The Department of Commerce shall determine whether the blue ribbon project meets the requirements of this section and issue a final order granting or denying the application. The department may attach conditions and restrictions to the order.

(e) Section 120.595 applies to proceedings brought by a person whose substantial interests are or may be affected by the local government's approval of a blue ribbon project under this section.

Section 2. This act shall take effect July 1, 2026.

COMMERCE COMMITTEE

CS/HB 299 by Rep. Melo
Blue Ribbon Projects

AMENDMENT SUMMARY
February 18, 2026

Amendment #046131 by Rep. Melo (Strike-all):

- Allows reserve areas to contain lakes, passive recreation, and uses of public benefit. "Uses of public benefit" means uses including parks, active recreation, stormwater management facilities, flood control facilities, utility facilities, and reservoirs.
- Prohibits reserve areas from containing golf courses, data centers, or solar farms.
- Prohibits land contained in a conservation easement before July 1, 2026, from qualifying as reserve area for the purposes of meeting the 60 percent threshold requirement.
- Requires at least 70 percent of the reserve area to be contiguous.
- Prohibits uses of public benefit from exceeding 15 percent of the reserve area.
- Requires the local government's staff to review an application for a Blue Ribbon Project (BRP) in the same manner as it reviews applications for rezonings.
- Requires a BRP to have two public hearings, the first at the local government's land planning agency and the second at the local government's council or commission, noticed by the local government in the same way as applications for rezonings.
- Provides that an approved BRP acts as a site-specific text amendment to the local government's comprehensive plan and as an overlay district that adheres to the comprehensive plan's future land use map.
    - The text amendment governs the use of the property in lieu of applicable comprehensive plan future land use requirements and applicable land development regulations.
- Allows a BRP plan to depict conceptual locations of and plans for certain required BRP elements, including locations of reserve area and development area, major planned transportation corridors, civic and school sites, and utility sites; and plans for land uses in the reserve and development areas, water supply and wastewater, transportation and mobility, parks and recreation, and resource protection.
- Removes the authorization for an applicant to appeal the denial of a BRP to the Department of Commerce, and instead allows an applicant to appeal such denial by filing a de novo action for declaratory, injunctive, or other relief requiring the local government to approve the application if the applicant demonstrates through competent and substantial evidence that its application is compliant with the bill.
- Allows a local government's approval of a BRP to be appealed in the same manner as a challenge to a comprehensive plan or plan amendment.
- Requires a BRP to comply with applicable provisions of Ch. 373, F.S., related to water resources, and Ch. 403, F.S., related to environmental control.
- Provides that the protection of regionally significant natural resources within the reserve area is determined to be a net ecosystem benefit.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	__ (Y/N)
ADOPTED AS AMENDED	__ (Y/N)
ADOPTED W/O OBJECTION	__ (Y/N)
FAILED TO ADOPT	__ (Y/N)
WITHDRAWN	__ (Y/N)
OTHER	_____

Committee/Subcommittee hearing bill: Commerce Committee
Representative Melo offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Section 163.3249, Florida Statutes, is created to read:

163.3249 Blue ribbon projects.—

(1) PURPOSE AND INTENT.—The purpose of this section is to balance the protection of important state resources such as the natural environment and existing agricultural and silvicultural uses with the need to provide longer-term, well-planned communities and job opportunities for the state's future. It is the intent of the Legislature to accomplish this goal by incentivizing large landowners in this state to be good stewards of the natural environment and existing agricultural and

silvicultural land while at the same time promoting a more sustainable pattern of development. The Legislature intends to create blue ribbon projects, and to provide a mechanism by which local governments shall implement those projects within their boundaries, in order to promote the goals of preserving natural areas, encouraging agricultural land uses and rural land stewardship, protecting critical ecological systems, expanding wildlife corridors, and providing more compact mixed-use developments designed for long-term viability.

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

(a) "Applicant" means the owner of land on which a blue ribbon project is proposed.

(b) "Blue ribbon plan" or "plan" means the plan required by subsection (5).

(c) "Blue ribbon project" or "project" means a project that meets the requirements of this section.

(d) "Blue ribbon project overlay" means an overlay district approved by a local government in its comprehensive plan that must adhere to the requirements of the adopted blue ribbon plan.

(e) "Development area" means land that may be utilized for residential, commercial, industrial, office, civic, and institutional purposes and complies with the requirements of paragraph (3)(c) and subsection (4).

(f) "Missing middle housing" means a range of for-sale and for-rent housing types, including, but not limited to, duplexes, triplexes, townhomes, small multifamily buildings, and small detached single-family homes, that fill the gap between larger single-family homes and larger apartment buildings. Such housing may be vertically and horizontally integrated.

(g) "New urban design" means a development design that creates walkable, mixed-use places.

(h) "Reserve area" means land that is set aside for environmental conservation, wildlife corridors, wetland and wildlife mitigation, lakes, passive recreation, productive agriculture and silviculture, conservation agreements granted to the Department of Agriculture and Consumer Services pursuant to s. 570.71, activities permitted by conservation easements entered into with the Department of Agriculture and Consumer Services pursuant to s. 570.71, and uses of public benefit, and complies with the requirements of paragraph (3)(b). Reserve areas cannot contain golf courses, data centers, or solar farms.

(i) "Uses of public benefit" means uses including parks, active recreation, stormwater management facilities, flood control facilities, utility facilities, and reservoirs.

(3) MINIMUM REQUIREMENTS.—A property must meet all of the following requirements to qualify as a blue ribbon project:

(a) The property must contain a minimum of 10,000 acres of land which are contiguous, as defined in s. 163.3163(3)(a),

which are owned by the same person or by entities owned or controlled by the same person, and a majority of which are not located within a municipality.

(b) At least 60 percent of the land contained in the project must be reserve area. Land contained in a conservation easement before July 1, 2026, does not qualify as reserve area for the purposes of meeting the 60 percent threshold. The reserve area must meet all of the following requirements:

1. If any property boundary is contiguous to state-owned environmental land or the Florida wildlife corridor, a portion of the project's reserve area must be located adjacent to a portion of the state-owned land or the Florida wildlife corridor, as applicable.

2. A minimum of 70 percent of the reserve area must be contiguous, as defined in s. 163.3163(3)(a).

3. Uses of public benefit cannot exceed 15 percent of the reserve area.

(c) Up to 40 percent of the land contained in the project may be development area. The development area must meet all of the following requirements:

1. Individual development areas within the project must be designed to enhance walkability and mobility and must include a mixture of land uses.

2. At least 10 percent of the development area must be allocated to nonresidential land use.

3. A portion of the development area must be allocated to uses intended to provide economic development within the area where the property is located. The development area so allocated must be in a location that is accessible to an interstate interchange, a state road, an active rail line, or an airport or other transportation facility.

4. The development area must have a dense, walkable, mixed-use development pattern that includes new urban design.

5. Types of residential units within the development area must be varied and include single-family, multifamily, and attached and detached residential units.

(4) DEVELOPMENT AREA DENSITIES AND INTENSITIES.—

(a) A maximum residential density of 12 units per gross acre, and a maximum nonresidential intensity of 85 percent impervious surface ratio per gross acre, are permitted within the development area, as measured in combination throughout all phases of the project. A building that contains residential units and nonresidential uses shall be considered residential.

(b) At least 20 percent of residential units within the development area in each phase of the project must be a combination of the following:

1. Housing that is affordable, as defined in s. 420.0004, for natural persons or families who meet the extremely-low-income, very-low-income, or low-income limits specified in s. 420.0004.

2. Missing middle housing.

3. Housing that is affordable, as defined in s. 420.0004, for persons eligible for the Florida Hometown Hero Program under s. 420.5096.

(c) The development area must be developed in phases. Development rights and mitigation of project impacts shall be vested for 50 years. If the applicant achieves development as defined in s. 380.04 of at least 50 percent of the development area within 50 years after the project's date of initial public dedication of infrastructure, the vested period must be extended for an additional 25 years.

(5) BLUE RIBBON PLANS.—A blue ribbon project must have a blue ribbon plan, which is the conceptual master plan for the project. A blue ribbon plan must comply with the requirements of subsections (3) and (4). Blue ribbon plans also must contain the following documents:

(a) A long-term master development map that, at a minimum, depicts the conceptual locations of:

1. Reserve area and development area throughout the property;

2. Major planned transportation corridors, including roads, multipurpose trails, and transit;

3. Proposed civic and school sites; and

4. Proposed utility sites.

(b) A conceptual phasing plan depicting land uses within reserve areas and development areas, densities and intensities of development within development areas, public facility mitigation for such development within each phase, and approximate acreage of reserve area in each phase.

(c) A conceptual water supply plan and a conceptual wastewater plan to show the project's compliance with s. 163.3180. The plans can allow water and wastewater supplies to be provided in phases.

(d) A conceptual transportation and mobility plan to show the project's compliance with s. 163.3180. The plans can allow transportation facilities to be provided in phases.

(e) A conceptual parks and recreation plan to show the project's compliance with s. 163.3180. The plans can allow parks and recreational facilities to be provided in phases.

(f) A conceptual resource protection plan to show the conservation of and, as appropriate, restoration and management of, regionally significant natural resources within the reserve area. The protection of regionally significant natural resources within the reserve area is determined to be a net ecosystem benefit.

(g) Development standards for each type of land use proposed within the development area which is typically found in a planned unit development as defined in s. 163.3202(5)(b).

A blue ribbon plan must be based on a planning period longer than the generally applicable planning period of the local comprehensive plan and must specify the projected population within the planning area during the chosen planning period. A plan is not required to demonstrate need based on projected population growth or any other basis. If under the plan a project contributes land or funds or otherwise causes the construction of public facilities pursuant to s. 163.3180, the project must receive dollar-for-dollar credits against impact, mobility, proportionate share, or other fee credits from the local government for such facility improvements as required by s. 163.3180. All park and recreational uses in the parks and recreation plan required by paragraph (e) shall comply with the achieved level of service based on the latest local government impact fee study in place at the time of enactment of this section.

A blue ribbon plan must provide that any easement granted to the Department of Agriculture and Consumer Services pursuant to s. 570.71 for portions of the reserve area that will be reserved for uses consistent with that section must be granted without charge. The granting of the easement shall occur upon agreement between the Department of Agriculture and Consumer Services and the landowner regarding allowable uses of the easement interest. If an easement or property is granted to any other state agency,

water management district, or local government, the easement or property shall be granted without charge.

(6) LOCAL GOVERNMENT REVIEW OF BLUE RIBBON PLANS.—

(a) A landowner must apply to the local government for approval of a blue ribbon plan. A plan that meets the requirements of this section must be approved by the local governing body during a public hearing. The local governing body's review of a plan is limited to review for compliance with this section. The local government's staff must review an application for a blue ribbon plan in the same manner as it reviews applications for rezonings. At any time during the local government staff's review of the blue ribbon plan, the landowner shall have the right to request that the application be placed on the soonest-available agenda of the local governing body for a public hearing. The local government must conduct two public hearings related to a blue ribbon plan application, the first at local government's land planning agency and the second at the local government's commission or council, at which time a decision on the application will be made by the commission or council.

(b) The local government shall provide public notice of the public hearings on the blue ribbon plan application in the same manner as it provides notice for rezoning applications.

(c) Within 30 days of final approval of a blue ribbon plan, a local government shall adopt the blue ribbon plan as a

site-specific text amendment to its comprehensive plan and the blue ribbon plan overlay shall be depicted on the comprehensive plan future land use map. The text amendment shall govern use of the property in lieu of applicable comprehensive plan future land use requirements and applicable land development regulations. The blue ribbon plan shall serve as the governing document for the blue ribbon project overlay.

(d) A blue ribbon project may be located on land with any future land use designation provided in the applicable local government's comprehensive plan and with any zoning designation listed in the applicable local government's land development regulations.

(e) After a blue ribbon plan has been approved, the local government must record the blue ribbon plan in the public records of the county in which the property is located, and the plan shall run with title to the land. The applicant may not amend the recorded plan without undergoing review of the plan amendment in accordance with paragraph (a). Review of a plan amendment is limited to the portions of the plan which are being revised.

(f) Applicants may hire private companies to conduct plan reviews and building inspections pursuant to s. 553.791.

(7) APPEAL PROCEDURE.—

(a) The applicant may appeal the local government's denial of an application for a blue ribbon project by filing a de novo

action for declaratory, injunctive, or other relief requiring the local government to approve the application if the applicant demonstrates through competent and substantial evidence that its application is compliant with this section. The local government has the burden of proving by a preponderance of the evidence that the application is not in compliance with this section. The court shall not use a deferential standard for the benefit of the government. Before initiating such an action, the applicant may use the dispute resolution procedures under s. 70.45.

(b) A local government's approval of a blue ribbon plan may be appealed in the same manner as provided in s. 163.3184(5).

(8) ENVIRONMENTAL REVIEW.—A blue ribbon project must comply with applicable provisions of chapters 373 and 403.

Section 2. This act shall take effect July 1, 2026.

T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:
An act relating to blue ribbon projects; creating s. 163.3249, F.S.; providing a purpose and legislative intent; defining terms; requiring that a development project meet certain requirements to qualify as a blue ribbon project; specifying maximum residential density

and nonresidential intensity permitted within the development area of a blue ribbon project; requiring that a specified percentage of the project's residential units meet certain requirements; requiring the development of the development area in phases for a specified purpose; providing that development rights and mitigation of project impacts shall be vested for at least a certain period, which may be extended under certain circumstances; requiring that a blue ribbon project have a blue ribbon plan; providing requirements for such plan; specifying that a plan is not required to demonstrate certain need; requiring that a project receive dollar-for-dollar credits from a local government under certain circumstances; specifying that certain easements or property must be granted without charge; specifying that a project may be located on land with any future land use designation or zoning designation; prohibiting the required amendment of a comprehensive plan or a required rezoning for approval of a project; authorizing a landowner to apply to the local government for approval of a project; requiring that a project that meets certain requirements receive administrative approval; limiting local government review of a project; authorizing applicants to hire

private companies to conduct plan reviews and building inspections; requiring an applicant to publish notice of an approved project in a specified manner; requiring an applicant to record the plan for an approved project in the public records of the county in which the project property is located; prohibiting an applicant from amending a recorded plan without undergoing a specified review; providing appeal procedures; providing requirements for environmental review; providing an effective date.

HB 431

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: HB 431	**COMPANION BILL:** SB 322 (McClain)
TITLE: Air-conditioning and Mechanical Contractors	**LINKED BILLS:** None
SPONSOR(S): Albert	**RELATED BILLS:** None

Committee References

Industries & Professional Activities
13 Y, 2 N
➤
Commerce

SUMMARY

Effect of the Bill:
The bill revises the definitions of "class A air-conditioning contractor" and "mechanical contractor" to include additional services that they may perform. The services include repair or replacement of existing package pool heaters.

Fiscal or Economic Impact:
The bill may have an indeterminate positive fiscal impact on air-conditioning contractors and mechanical contractors.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill expands the scope of work for Class A air-conditioning contractors and Mechanical contractors to include repairing and replacing existing package pool heaters. (Section 1)

The replacement of an existing package pool heater must use the same make and model as the existing pool heater. The replacement must maintain the flow rate, connection points, and heater specifications without making any modifications to the existing pool piping or system components. The repair and replacement of an existing package pool heater does not include:

- alterations to the pool's hydraulic system;
- the addition of bypass valves;
- installation of new plumbing;
- rerouting of pipes;
- changes to the pool's circulation system; or
- any other modifications beyond what is necessary to disconnect and reconnect the unit to the existing piping. (Section 1)

The bill provides an effective date of July 1, 2026. (Section 2)

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Class A air-conditioning and Mechanical contractors

Chapter 489, F.S., regulates the profession of contracting in the state. Generally speaking, a licensed contractor

is the person who, for compensation, undertakes to, submits a bid to, or does himself or herself or by others construct, repair, alter, remodel, add to, demolish, subtract from, or improve any building or structure, and whose job scope is substantially similar to the job scopes described in s. 489.105, F.S.[1]

Construction contractors are either certified or registered by the Construction Industry Licensing Board (CILB) housed within Department of Business and Professional Regulation. The CILB is responsible for licensing statewide construction contractors and regulating the construction industry in Florida under part I of Ch. 489, F.S.[2]

Currently, there are four types of Heating, Ventilation, and Air-Conditioning (HVAC) contractors:[3]

- Class A air-conditioning contractor.
- Class B air-conditioning contractor.
- Class C air-conditioning contractor.
- Mechanical contractors

The scope of work for "Class A air-conditioning contractors" specifically includes services that are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design central air-conditioning, heating, and ventilation systems and to perform other related tasks including replacing, disconnecting, or reconnecting electrical wiring up to an electrical panel and replacing disconnecting, and replacing breakers or fuses dedicated to HVAC circuits.[4]

The scope of work for "Mechanical contractors" specifically includes services that are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design HVAC systems and to perform other tasks, including replacing, disconnecting, or reconnecting electrical wiring up to an electrical panel and replacing disconnecting, and replacing breakers or fuses dedicated to HVAC circuits.[5]

HVAC contractors are not allowed to install or remove pool water heaters, pool equipment, pool piping, or construct pool/spa equipment rooms. However, they are authorized to service and repair pool heaters as long as such service or repair does not include installing or removing the pool heater.[6]

Pool Circulation System

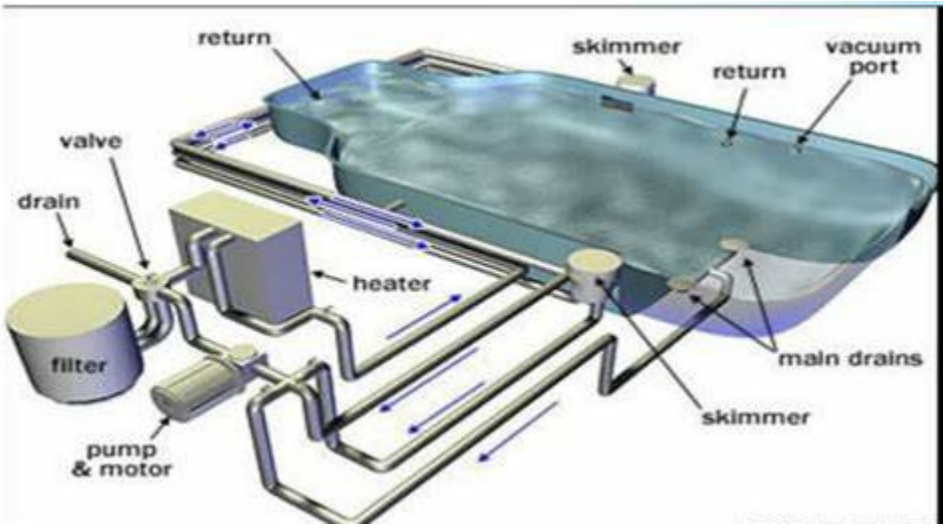
A pool's circulation or hydraulic system are the elements of a pool that take water from the pool, filter it, heat it, and return it back into the pool. These elements include:[7]

- Water Outlets – these include any pool opening, such as skimmers, drains, and vacuum ports, where water is taken out of the pool and into the circulation system.

[1] S. 489.105(3), F.S.
[2] S. 489.107, F.S.
[3] S. 489.105(3), F.S.
[4] S. 489.105(3)(f), F.S.
[5] S. 489.105(3)(i), F.S.
[6] Construction Industry Licensing Board, Declaratory Statements 2012-024, 2014-006; 2014-060;
[7] Capitol Pools. *Understanding the Pool Circulation System*, https://www.capitolpool.com/service/operating-poolcirculation#:~:text=Your%20pool%E2%80%99s%20circulation%20system%20is%20the%20elements%20of,and%20what%20you%20need%20to%20do%20with%20them (last visited December 2, 2025); R&R Pools, *What Causes Poor Pool Circulation* https://www.rrpools.ca/blog/causes-poor-pool-circulation/ (last visited December 2, 2025).

- Circulation Pump – the pump is responsible for pulling water out of the pool, through the circulation system, and back into the pool.
- Filter – cleans the water by removing dirt, debris, and bacteria from the pool water. Water is directed through the filter via a valve.
- Heater – heats the pool water and may include bypass valves[8], which allow water to bypass the heater.
- Returns – these are openings in the pool where water flows back into the pool from the circulation system.

A pool's flow rate is the speed at which the water travels through the circulation system, and the turnover time is the time it takes for the volume of water in the pool to make one pass through the circulation system.[9]



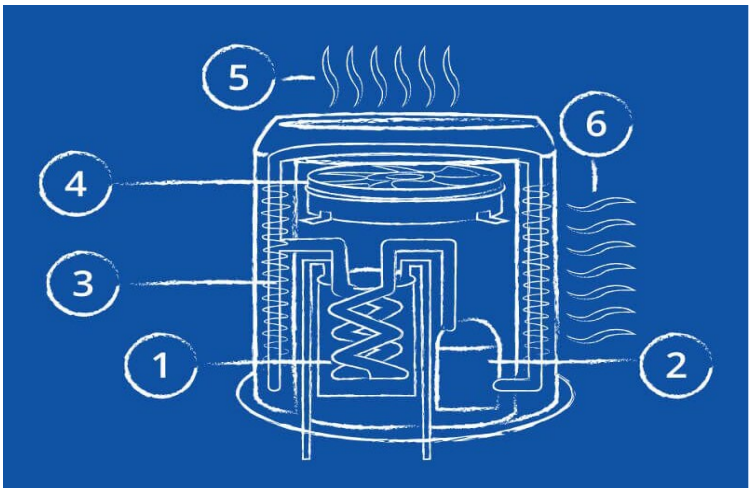
Pool Heaters

Generally, the pool's circulation system pulls water from the pool and into the pool heater, which warms the water via a heat exchange, and then circulates the heated water back into the pool. There are three main types of pool heaters:[10]

Electric heat pumps
Electric heat pumps use electricity to pull in outside air to heat the water. The heater has a fan that draws in the surrounding warm air. The air is directed to an evaporator coil containing freon, which pulls the heat from the outside air and turns the freon into a gas. The warm gas moves through a compressor, which further increases the temperature, and then moves through the condenser coil, which absorbs the heat and warms the water. As the hot

[8] Swimmingpoolsteve, *What is a Pool Heater Bypass?* https://www.swimmingpoolsteve.com/pages/bypass1.html#:~:text=An%20external%20bypass%20is%20a%20configuration%20of%20pool,your%20breakpoint%20chlorination%20to%20remove%20spent%20chlorine%20%28c (last visited December 2, 2025).
[9] Stockwell Safety, *Flow Rate and Turnover*, https://www.stockwellassociates.co.uk/tutorial-flow-rate-and-turnover.php#:~:text=Flow%20rate%20refers%20to%20the,litres%20per%20minute%20(LPM) (last visited December 2, 2025).
[10] Scott Keller, How Does a Pool Heater Work: A Comprehensive Guide to Pool Heating Options and Efficiency, Love Gunite Pool, (September 18, 2024) https://lovegunitepool.com/how-does-a-pool-heater-work/ (last visited December 2, 2025); Hank Cooper, *How Gas Pool Heaters Work? Unveiling the Science behind Your Warm Swim* (July 26, 2024) https://pooltipsusa.com/how-gas-pool-heaters-work-unveiling-the-science-behind-your-warm-swim/ (last visited December 2, 2025).

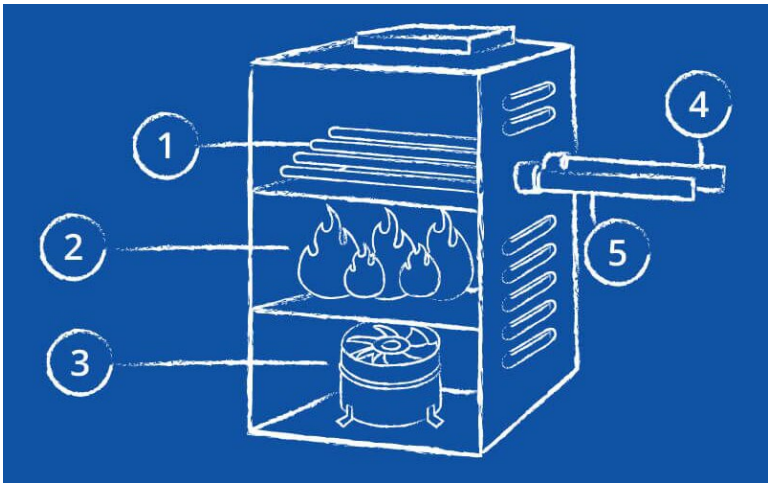
gas moves through the condenser coil, it turns back into a liquid, and returns to the evaporator coil, and the process begins again as diagrammed below:[11]



1) Condenser, 2) Compressor, 3) Evaporation Coil, 4) Fan, 5) Cool Air 6) Warm Air

Gas pool heaters

Gas pool heaters work by burning natural gas or propane inside a combustion chamber. There are copper coils in the heater, which heat up from the burning gas. Water is pulled into the heated copper coils by the circulation pump, which then pulls the heated water back into the pool as diagrammed below:[12]



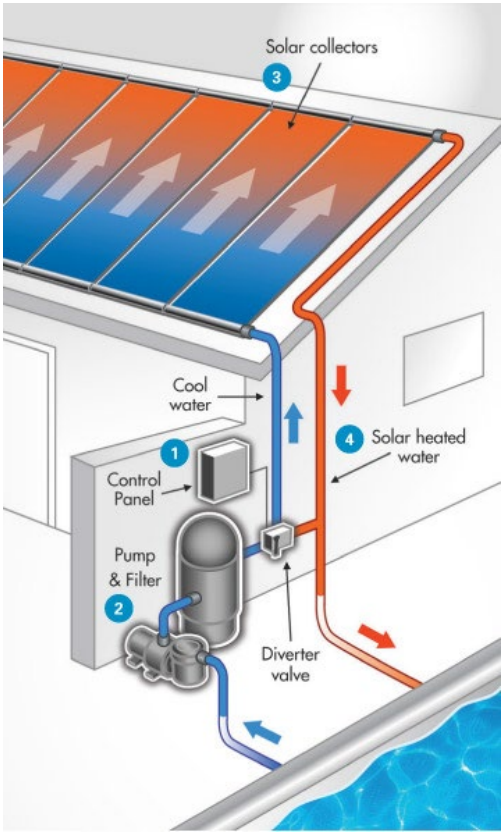
1) Heated Copper Coils 2) Burner 3) Fan 4) Cold Pool Water Entry 5) Heated Water Exit

[11] Jessica Carter, *Do pool heat pumps use a lot of electricity?* Eclipse Pool Heating (August 9, 2022) https://eclipsepoolheating.com.au/2022/08/09/do-pool-heat-pumps-use-a-lot-of-electricity/ (last visited December 2, 2025); Michael Dean, *How Does a Pool Heater Work?* Pool Research (August 13, 2024) https://poolresearch.com/how-heaters-work/ (last visited December 2, 2025)

[12] Michael Dean, *supra* note 8.

Solar pool heaters

Solar pool heaters work by using a solar collector, which warms the water with solar power. The circulation pump pulls the water into the solar collector, which is then pulled back into the pool as diagrammed below:[13]



BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Industries & Professional Activities Subcommittee	13 Y, 2 N		Anstead	Miralia
Commerce Committee			Hamon	Miralia

[13] Performance Solar, *How Solar Pool Heating Works*, https://performancesolar.com/solar-pool-heating/ (last visited December 2, 2025); David Stillwell, How does a solar pool heater work? (September 6, 2023) Consumer Affairs https://www.consumeraffairs.com/solar-energy/how-does-a-solar-pool-heater-work.html (last visited December 2, 2025).

A bill to be entitled

An act relating to air-conditioning and mechanical contractors; amending s. 489.105, F.S.; revising the definitions of the terms "class A air-conditioning contractor" and "mechanical contractor" to include additional services that such contractors may perform; providing an effective date.

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

Section 1. Paragraphs (f) and (i) of subsection (3) of section 489.105, Florida Statutes, are amended to read:

489.105 Definitions.—As used in this part:

(3) "Contractor" means the person who is qualified for, and is only responsible for, the project contracted for and means, except as exempted in this part, the person who, for compensation, undertakes to, submits a bid to, or does himself or herself or by others construct, repair, alter, remodel, add to, demolish, subtract from, or improve any building or structure, including related improvements to real estate, for others or for resale to others; and whose job scope is substantially similar to the job scope described in one of the paragraphs of this subsection. For the purposes of regulation under this part, the term "demolish" applies only to demolition of steel tanks more than 50 feet in height; towers more than 50

feet in height; other structures more than 50 feet in height; and all buildings or residences. Contractors are subdivided into two divisions, Division I, consisting of those contractors defined in paragraphs (a)-(c), and Division II, consisting of those contractors defined in paragraphs (d)-(q):

(f) "Class A air-conditioning contractor" means a contractor whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to:

1. Install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, central air-conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system if such duct work is performed by the contractor as necessary to complete an air-distribution system, boiler and unfired pressure vessel systems, and all appurtenances, apparatus, or equipment used in connection therewith, and any duct cleaning and equipment sanitizing that requires at least a partial disassembling of the system.~~; to~~

2. Install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, piping, insulation of pipes, vessels and ducts, pressure and process piping, and pneumatic control piping.~~; to~~

3. Replace, disconnect, or reconnect power wiring on the line or load side of the dedicated existing electrical disconnect switch on single phase electrical systems.~~; to~~

4. Repair or replace power wiring, disconnects, breakers, or fuses for dedicated HVAC circuits with proper use of a circuit breaker lock.~~; to~~

5. Install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring.~~; and to~~

6. Install a condensate drain from an air-conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system.

7. Replace and repair existing package pool heaters and connect replacement package pool heaters to existing pool piping. The replacement of an existing package pool heater must use the same make and model as the existing package pool heater. This includes maintaining the flow rate, connection points, and heater specifications without modifications to existing pool piping or system components. The replacement or repair of an existing package pool heater does not include alterations to the pool's hydraulic system, the addition of bypass valves, the installation of new plumbing, the rerouting of pipes, any changes to the pool's circulation system, or any other modifications beyond what is necessary to disconnect and reconnect the unit to the existing piping.

8. Perform ~~The scope of work for such contractor also includes~~ any excavation work incidental to work performed in subparagraphs 1.-7., but not ~~thereto, but does not include~~ any work such as liquefied petroleum or natural gas fuel lines

within buildings, except for disconnecting or reconnecting changeouts of liquefied petroleum or natural gas appliances within buildings; potable water lines or connections thereto; sanitary sewer lines; swimming pool piping and filters; or electrical power wiring.

9. ~~A Class A air-conditioning contractor may~~ Test and evaluate central air-conditioning, refrigeration, heating, and ventilating systems, including duct work; however, a mandatory licensing requirement is not established for the performance of these specific services.

(i) "Mechanical contractor" means a contractor whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to:

1. Install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, central air-conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system if such duct work is performed by the contractor as necessary to complete an air-distribution system, boiler and unfired pressure vessel systems, lift station equipment and piping, and all appurtenances, apparatus, or equipment used in connection therewith, and any duct cleaning and equipment sanitizing that requires at least a partial disassembling of the system.~~; to~~

2. Install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, piping, insulation of pipes,

vessels and ducts, pressure and process piping, pneumatic control piping, gasoline tanks and pump installations and piping for same, standpipes, air piping, vacuum line piping, oxygen lines, nitrous oxide piping, ink and chemical lines, fuel transmission lines, liquefied petroleum gas lines within buildings, and natural gas fuel lines within buildings.~~; to~~

3. Replace, disconnect, or reconnect power wiring on the line or load side of the dedicated existing electrical disconnect switch on single phase electrical systems.~~; to~~

4. Repair or replace power wiring, disconnects, breakers, or fuses for dedicated HVAC circuits with proper use of a circuit breaker lock.~~; to~~

5. Install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring.~~; and to~~

6. Install a condensate drain from an air-conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system.

7. Replace and repair existing package pool heaters and connect replacement package pool heaters to existing pool piping. The replacement of an existing package pool heater must use the same make and model as the existing package pool heater. This includes maintaining the flow rate, connection points, and heater specifications without modifications to existing pool piping or system components. The replacement or repair of an existing package pool heater does not include alterations to the

pool's hydraulic system, the addition of bypass valves, the installation of new plumbing, the rerouting of pipes, any changes to the pool's circulation system, or any other modifications beyond what is necessary to disconnect and reconnect the unit to the existing piping.

8. Perform ~~The scope of work for such contractor also includes~~ any excavation work incidental to work performed in subparagraphs 1.-7., but not ~~thereto, but does not include~~ any work such as potable water lines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring.

9. ~~A mechanical contractor may~~ Test and evaluate central air-conditioning, refrigeration, heating, and ventilating systems, including duct work; however, a mandatory licensing requirement is not established for the performance of these specific services.

Section 2. This act shall take effect July 1, 2026.

CS/HB 803

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: CS/HB 803	**COMPANION BILL:** CS/SB 1234 (DiCeglie)
TITLE: Building Permits and Inspections	**LINKED BILLS:** None
SPONSOR(S): Trabulsy and Overdorf	**RELATED BILLS:** None

Committee References

Industries & Professional Activities	➤	Intergovernmental Affairs	➤	Commerce
14 Y, 0 N, As CS		14 Y, 1 N		

SUMMARY

Effect of the Bill:
The bill revises provisions relating to the issuance of building permits. It revises provisions relating to building code inspection services provided by private providers and private provider firms, including but not limited to permit fees, administrative fees, and responsibilities of such private providers. It also revises the authority of local building officials and mandates the adoption of a uniform permitting system.

Fiscal or Economic Impact:
The bill may have an indeterminate positive fiscal impact on the private sector.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill:

- Revises the expiration date of building permits issued by counties and other local governments, providing for expiration one year after issuance or the effective date of the next edition of the Florida Building Code, whichever is later. (Sections 1 and 3)
- Provides that a local government may not require a building permit for:
  - Temporary residential hurricane and flood protection walls that are:
    - Nonhabitable and not load bearing;
    - Installed for a residential property that is a single or two-family dwelling or townhouse;
    - Constructed to mitigate storm surge or floodwaters from entering a property;
    - Installed by a contractor properly licensed by the Construction Industry Licensing Board; and
    - Compliant with applicable local zoning, drainage, easement, and setback requirements.
  - Any work valued at less than $7,500 done on a single-family home. However, local governments may require a permit for any electrical, plumbing, or structural work, not including the repair or replacement of exterior doors and windows, regardless of the value of such work. Contractors are required to keep for at least five years a written record of work performed that does not require a permit, and the record must include the property address at which the work was performed and the value of the work as proof that the work complies with the statute.
  - A lot or parcel upon which a retaining wall is installed on the property of a single-family or two-family residential dwelling or a townhouse. (Section 3)
- Prohibits local enforcement agencies from charging inspection fees based on the total cost of the project, instead providing that fees may not exceed the actual cost incurred by the agency to perform and approve the inspection required for a permit. (Section 3)

The bill makes the following changes related to alternative plans review:

- Provides that officials may only perform building inspections of construction that a private provider has deemed compliant when they have "actual knowledge" that the inspection forms submitted by the private provider were incomplete or incorrect. If they plan to perform a site visit, officials must provide written notice to the private provider of the specific forms that are incomplete or incorrect before performing the site visit.
- Amends the definitions of "deliver" and "delivery" to specifically include email or submission through an electronic fill-in form or through submission management software.
- Creates a definition for "registration" as the system used by officials to verify compliance with licensure and insurance requirements for private provider firms under Chapter 553, F.S.
- Removes the requirement that an owner or contractor have a written contract with a private provider and adds that agreements for private provider services are not required to be submitted as part of a permit application or to be issued a permit. Officials are prohibited from requesting a written agreement or consent form as a condition for issuing a permit.
- Requires permit fees charged by local jurisdictions to reflect the actual cost incurred when an owner retains a private provider for building inspection services. Officials may not charge punitive, administrative, or additional fees, including fees for building inspections or site review, when an owner uses a private provider.
- Limits the information that a local government can request from a private provider to that which it collects at registration, other than written notice from the owner or owner's contractor that a private provider has been contracted. The bill prohibits local governments from altering the model form adopted by the Florida Building Commission (Commission). The bill removes the requirement that the form include "qualification statements or resumes" of private providers.
- Removes the requirement that a private provider may only be used after construction has commenced if the local building official is unable to provide inspection services in a timely manner or the inspection is related to a single-trade inspect for a single-family or two-family dwelling and removes the time limit by which the owner or owner's contractor must provide notice.
- Forbids the review by a local building official of plans, construction drawings, or any other related documents that have been determined by a private provider to be compliant with the applicable codes. The local building official may review other forms and documents only for completeness and must notify an applicant of any incomplete forms or documents not later than 10 days after receipt of a permit application with the private provider affidavit. If the notice is not provided within 10 days, the permit must be deemed approved. The bill removes a requirement for review within 20 business days, or five business days for a single-trade plan for single-family residential, for review and notice to the applicant of specific plan features that do not comply with the applicable codes. The bill changes "plan deficiencies" to only apply to incomplete forms or documents.
- Removes the requirement that private providers performing required inspections give notice to the local building official. (Section 4)

Provides that a local building official is not required for the regulatory administration or supervision of inspection services performed by a private provider. Private providers are responsible for verification of licensure and insurance requirements for the firm's authorized representative. The bill also:

- Adds a requirement that private providers record inspections on a form provided by the Commission. The bill expands the amount of time that private providers have to post the completed inspection record from two business days to four business days and specifies that local building officials may not fail inspections as long as they are transmitted within four days, even if they are not posted at the job site.
- Requires that certificates of compliance be on a form provided by the Commission. The certificate of compliance may be signed by any qualified licensed individual employed full-time by the private provider.
- Changes the standard of review under which a local building official may deny a permit or a request for a certificate of occupancy or completion. Under current law, building officials review documents for compliance to the applicable codes, but the bill limits review to whether or not documents are complete.

- Requires local governments establish a system of registration for private providers and prohibits local governments from charging administrative fees for registration or updating registration.
- Prohibits a local government from prohibiting or limiting the use of virtual inspections by private providers.
- Requires local governments to give private providers notice of audits at least five business days before an audit. (Section 4)

The bill provides a shorter timeframe for a local government to approve, approve with conditions, or deny a building permit application for an applicant using a local government reviewer for building permits for an existing single-family residential dwelling if the value of the work is less than $15,000 for structural, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing. The bill requires such permit applications to be approved within 5 business days after the application is deemed complete and sufficient. (Section 5)

The bill requires the Commission to develop a residential and commercial uniform building permit application that must be used by local governments. (Section 6)

The bill prohibits homeowners' associations from requiring a building permit as a prerequisite of its review of the construction of structures or improvements. (Section 7)

The bill takes effect on July 1, 2026. (Section 8)

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Florida Building Code

In 1974, Florida adopted legislation requiring all local governments to adopt and enforce a minimum building code that would ensure that Florida's minimum standards were met. Local governments could choose from four separate model codes. The state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes, as they desired.[1]

In 1992, Hurricane Andrew demonstrated that Florida's system of local codes did not work. Hurricane Andrew easily destroyed those structures that were allegedly built according to the strongest code. The Governor eventually appointed a study commission to review the system of local codes and make recommendations for modernizing the system. The 1998 Legislature adopted the study's commission recommendations for a single state building code and enhanced the oversight role of the state over local code enforcement. The 2000 Legislature authorized implementation of the Florida Building Code (Building Code), and that first edition replaced all local codes on March 1, 2002.[2] The current edition of the Building Code is the eighth edition, which is referred to as the 2023 Building Code.[3]

Chapter 553, part IV, F.S., is known as the "Florida Building Codes Act" (Act). The purpose and intent of the Act is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.[4]

The Florida Building Commission (Commission) was created to implement the Building Code. The Commission, which is housed within the Department of Business and Professional Regulation (DBPR), is a 19-member technical

[1] Florida Department of Community Affairs, *The Florida Building Commission Report to the 2006 Legislature*, p. 4, http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf (last visited Jan. 15, 2026).
[2] *Id.*
[3] Florida Building Commission Homepage, https://floridabuilding.org/c/default.aspx (last visited Jan. 15, 2026).
[4] *See* s. 553.72(1), F.S.

body made up of design professionals, contractors, and government experts in various disciplines covered by the Building Code.[5] The Commission reviews several International Codes published by the International Code Council,[6] the National Electric Code, and other nationally adopted model codes to determine if the Building Code needs to be updated and adopts an updated Building Code every three years.[7]

Building Permits

It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdiction in protection of the public's health, safety, and welfare.[8] Every local government must enforce the Florida Building Code and issue building permits.[9]

A building permit is an official document or certificate issued by the local building official that authorizes performance of a specific activity.[10] It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a building permit from the local enforcement agency or from such persons as may, by resolution or regulation, be directed to issue such permit.[11]

Each local government must post its building permit applications, including a list of all required attachments, drawings, and documents for each application, on its website.[12] However, other than fire alarm building permit applications, local governments are not required to have uniform building permit applications, and they are free to create their own applications with their own requirements.[13]

Any construction work that requires a building permit also requires plans and inspections to ensure the work complies with the Building Code. The Building Code requires certain building, electrical, plumbing, mechanical, and gas inspections. Construction work may not be done beyond a certain point until it passes an inspection. Generally speaking, a permit for construction work that passes the required inspections are considered completed or closed.[14]

Building Permit Fees

A local government may charge reasonable fees as set forth in a schedule of fees adopted by the enforcing agency for the issuance of a building permit.[15] Such fees shall be used solely for carrying out the local government's responsibilities in enforcing the Building Code.[16] Enforcing the Building Code includes the direct costs and reasonable indirect costs associated with training, review of building plans, building inspections, re-inspections, building permit processing, and fire inspections.[17] Local governments must post all building permit and inspection fee schedules on their website.[18]

Local governments are only allowed to collect building permit fees that are sufficient to cover their costs in enforcing the Building Code.[19] When providing a schedule of reasonable fees, the total estimated annual revenue

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[5] S. 553.74, F.S.
[6] The International Code Council (ICC) is an association that develops model codes and standards used in the design, building, and compliance process to "construct safe, sustainable, affordable and resilient structures." International Code Council, *About the ICC*, https://www.iccsafe.org/about/who-we-are/ (last visited Jan. 15, 2026).
[7] S. 553.73(7)(a), F.S.
[8] S. 553.72, F.S.
[9] Ss. 125.01(1)(bb), 125.56(1), and 553.80(1), F.S.
[10] S. 468.603, F.S.; S. 202 of the Eighth edition of the Florida Building Code (Building).
[11] Ss. 125.56(4)(a) and 553.79(1), F.S.
[12] S. 553.79(1)(b), F.S.
[13] Ss. 553.79(1) and 553.7921, F.S.
[14] S. 110 of the Eighth Edition of the Florida Building Code (Building).
[15] S. 553.80 F.S.
[16] *Id.*
[17] S. 553.80(7)(a)1., F.S.
[18] Ss. 125.56(4)(c) and 166.222(2), F.S.
[19] S. 553.80(7)(a), F.S.

derived from fees, and the fines and investment earnings related to the fees, may not exceed the total estimated annual costs of allowable activities. Any unexpended balances must be carried forward to future years for allowable activities or must be refunded at the discretion of the local government. A local government may not carry forward an amount exceeding the average of its operating budget, not including reserve amounts, for enforcing the Building Code for the previous four fiscal years.

DBPR Surcharges

Local governments must assess and collect two surcharges on any building permit issued by their enforcement agency for the purpose of enforcing the Building Code:

- A 1 percent surcharge to fund the activities of the Commission, DBPR's Building Code Compliance and Mitigation Program, and the Florida Fire Prevention Code informal interpretations.[20]
- A 1.5 percent surcharge that it is divided equally to fund the activities of the Building Code Administrators and Inspectors Board and the Florida Homeowners' Construction Recovery Fund.[21]

Local government building departments may retain 10 percent of the amount of the surcharges they collect to fund participation by their agencies in the national and state building code adoption processes and to provide education related to enforcement of the Building Code.[22]

Private Providers

Private providers and their duly authorized representatives are able to approve building plans and perform building code inspections as long as the plans approval and building inspections are within the scope of the provider's or representative's license.

A "private provider" is defined as a person licensed as a building official, engineer, or architect. Additionally, the term includes licensed building inspectors and plans examiners who perform inspections for additions and alterations that are limited to 1,000 square feet or less in residential buildings.[23]

An owner or contractor must notify a local government that the owner or contract hired a private provider to perform building code inspection services, including single-trade inspections.[24] If an owner or contractor retains a private provider for purposes of plans review or building inspection services, the local jurisdiction must reduce the permit fee by the amount of cost savings realized by the local enforcement agency for not having to perform such services. Such reduction may be calculated on a flat fee or percentage basis, or any other reasonable means by which a local enforcement agency assesses the cost for its plans review or inspection services. The local jurisdiction may not charge fees for building inspections if the fee owner or contractor hires a private provider to perform such services; however, the local jurisdiction may charge a reasonable administrative fee, which shall be based on the cost that is actually incurred, including the labor cost of the personnel providing the service, by the local jurisdiction or attributable to the local jurisdiction for the clerical and supervisory assistance required, or both.[25]

Upon receipt of a building permit application and the required affidavit from the private provider, a building official has 20 business days to issue the permit or provide written notice of the plan deficiencies.[26] If the local

[20] S. 553.721, F.S.
[21] S. 468.631, F.S.; The Florida Homeowners' Construction Recovery Fund is used to compensate homeowners who have suffered a covered financial loss at the hands of state-licensed general, building and residential contractors. Claims are filed with DBPR, who reviews for completeness and statutory eligibility. DBPR then presents the claim to the Construction Industry Licensing Board for review. S. 489.1401(2), F.S.
[22] Ss. 468.631 and 553.721, F.S.
[23] S. 553.791(1)(n), F.S.
[24] S. 553.791(2), F.S.
[25] S. 553.791(2)(b), F.S.
[26] S. 553.791(7)(a), F.S.

building official does not provide written notice of plan deficiencies within the prescribed 20-day period, the permit application shall be deemed approved and must be issued on the next business day.[27]

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Industries & Professional Activities Subcommittee	14 Y, 0 N, As CS	1/20/2026	Anstead	Miralia
THE CHANGES ADOPTED BY THE COMMITTEE:	• Required contractors to retain documents related to certain construction projects completed without a permit for a minimum of five years. • Moved language related to flood protection walls and barriers, and retaining walls to the correct section of Florida Statutes. Also, clarified that local governments may not require building permits for temporary residential hurricane and flood protection walls. • Removed the notice requirement before a stop work order can be issued due to an immediate threat to public safety and welfare. • Removed overly broad language that prohibited requiring a permit after a state of emergency for two years. • Moved the provision related to the Florida Building Commission creating a uniform application system to the correct section of Florida Statutes, clarified that the commission has rulemaking authority, set a date for completion, and specified that both residential and commercial applications be created. • Clarified language related to private provider service contracts. • Clarified definitions, and makes technical and clarifying edits throughout.			
Intergovernmental Affairs Subcommittee	14 Y, 1 N	2/5/2026	Darden	Burgess
Commerce Committee			Hamon	Miralia

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.

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[27] *Id.*

A bill to be entitled

An act relating to building permits and inspections; amending s. 125.56, F.S.; providing for expiration of certain building permits issued by a county; amending s. 489.129, F.S.; providing that certain persons are not subject to discipline for performing a job without applicable permits and inspections if otherwise authorized by law; amending s. 553.79, F.S.; providing for expiration of certain building permits issued by a local government; providing prohibitions for inspection fees; prohibiting a local government from requiring building permits for certain projects; providing an exception; requiring certain contractors to maintain certain records for a specified time period; prohibiting local governments from requiring a building permit for the installation of temporary residential hurricane and flood protection walls or barriers that meet certain requirements; prohibiting local governments from requiring a building permit for the installation of certain retaining walls; amending s. 553.791, F.S.; revising and providing definitions; removing the requirement that a contract for certain services be in writing; providing that a contract for certain services does not need to be submitted as part of a permit application; providing requirements for

reduced permit fees; prohibiting a local jurisdiction from charging punitive administrative fees or fees for plans review services; requiring that certain documents be promptly provided to certain persons; prohibiting local governments and local building officials from requiring additional forms; requiring local enforcement agencies to create a specified registration system that must have a method to register and update registration information electronically; prohibiting local enforcement agencies from charging an administrative fee to register or update registration information; requiring private provider firms to register with the local enforcement agency, provide certain information, and update its registration within a specified timeframe after changes occur; prohibiting local enforcement agencies from altering a form adopted by the commission; removing the requirement that a private provider's qualification statements or resumes be included in a certain notice; removing time restrictions for electing to use a private provider; requiring local enforcement agencies to accept a certain affidavit electronically; providing which forms and documents a local building official may review; providing notice requirements; providing that certain permits are

deemed approved; providing that local enforcement agencies are not responsible for the administration or supervision of services performed by a private provider; prohibiting local enforcement agencies from requiring additional verification of certain requirements beyond that which is required at registration; revising the timeframe in which certain records must be provided; prohibiting local building officials from failing certain inspections; authorizing certain persons to sign certificates of compliance; providing requirements for local building officials who have actual knowledge that a private provider failed to perform an inspection; providing that virtual inspections may not be prohibited; requiring certain notice before an audit; prohibiting certain entities from discouraging the use of private providers; authorizing certain public entities to use a private provider firm or to employ a licensed building inspector to provide building code inspection services; amending s. 553.792, F.S.; requiring a local government to make certain decisions relating to certain building permits within a specified timeframe; amending s. 553.77, F.S.; requiring the Florida Building Commission to develop uniform commercial and residential building permit applications by a

specified date; amending s. 720.3035, F.S.; prohibiting an association or certain committees from requiring a building permit as a prerequisite for a certain review; providing an effective date.

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

Section 1. Paragraph (d) of subsection (4) of section 125.56, Florida Statutes, is amended to read:

125.56 Enforcement and amendment of the Florida Building Code and the Florida Fire Prevention Code; inspection fees; inspectors; etc.—

(4)

(d) A county that issues building permits may send a written notice of expiration, by e-mail or United States Postal Service, to the owner of the property and the contractor listed on the permit, no less than 30 days before a building permit is set to expire. The written notice must identify the permit that is set to expire and the date the permit will expire. A building permit issued by a county for a single-family dwelling expires 1 year after the issuance of the permit or on the effective date of the next edition of the Florida Building Code, whichever is later.

Section 2. Paragraph (o) of subsection (1) of section 489.129, Florida Statutes, is amended to read:

489.129 Disciplinary proceedings.—

(1) The board may take any of the following actions against any certificateholder or registrant: place on probation or reprimand the licensee, revoke, suspend, or deny the issuance or renewal of the certificate or registration, require financial restitution to a consumer for financial harm directly related to a violation of a provision of this part, impose an administrative fine not to exceed $10,000 per violation, require continuing education, or assess costs associated with investigation and prosecution, if the contractor, financially responsible officer, or business organization for which the contractor is a primary qualifying agent, a financially responsible officer, or a secondary qualifying agent responsible under s. 489.1195 is found guilty of any of the following acts:

(o) Proceeding on any job without obtaining applicable local building department permits and inspections, unless otherwise provided by law.

For the purposes of this subsection, construction is considered to be commenced when the contract is executed and the contractor has accepted funds from the customer or lender. A contractor does not commit a violation of this subsection when the contractor relies on a building code interpretation rendered by a building official or person authorized by s. 553.80 to enforce the building code, absent a finding of fraud or deceit in the

practice of contracting, or gross negligence, repeated negligence, or negligence resulting in a significant danger to life or property on the part of the building official, in a proceeding under chapter 120.

Section 3. Paragraphs (a), (b), (c), and (f) of subsection (1) of section 553.79, Florida Statutes, are amended, and paragraphs (g), (h), and (i) are added to that subsection, to read:

553.79 Permits; applications; issuance; inspections.—

(1)(a) Unless otherwise provided by law, after the effective date of the Florida Building Code adopted as herein provided, it shall be unlawful for any person, firm, corporation, or governmental entity to construct, erect, alter, modify, repair, or demolish any building within this state without first obtaining a permit therefor from the appropriate enforcing agency or from such persons as may, by appropriate resolution or regulation of the authorized state or local enforcing agency, be delegated authority to issue such permits, upon the payment of such reasonable fees adopted by the enforcing agency. The enforcing agency is empowered to revoke any such permit upon a determination by the agency that the construction, erection, alteration, modification, repair, or demolition of the building for which the permit was issued is in violation of, or not in conformity with, the provisions of the Florida Building Code. Whenever a permit required under this

section is denied or revoked because the plan, or the construction, erection, alteration, modification, repair, or demolition of a building, is found by the local enforcing agency to be not in compliance with the Florida Building Code, the local enforcing agency shall identify the specific plan or project features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the permit applicant. A plans reviewer or building code administrator who is responsible for issuing a denial, revocation, or modification request but fails to provide to the permit applicant a reason for denying, revoking, or requesting a modification, based on compliance with the Florida Building Code or local ordinance, is subject to disciplinary action against his or her license pursuant to s. 468.621(1)(i). Installation, replacement, removal, or metering of any load management control device is exempt from and shall not be subject to the permit process and fees otherwise required by this section.

(b) A local enforcement agency shall post each type of building permit application, as adopted by the commission, including a list of all required attachments, drawings, or other requirements for each type of application, on its website. A local enforcement agency must post and update the status of every received application on its website until the issuance of the building permit. A local enforcement agency must allow

applicants to submit completed applications, including payments, attachments, drawings, or other requirements or parts of the ~~completed~~ permit application, ~~must be able to be submitted~~ electronically to the appropriate building department. Accepted methods of electronic submission include, but are not limited to, e-mail submission of applications in Portable Document Format or submission of applications through an electronic fill-in form available on the building department's website or through a third-party submission management software. A building official, at his or her discretion, may accept completed applications, including payments, attachments, drawings, or other requirements or parts of the ~~completed~~ permit application, ~~may also be submitted~~ in person in a nonelectronic format~~, at the discretion of the building official~~.

(c) A local government that issues building permits may send a written notice of expiration, by e-mail or United States Postal Service, to the owner of the property and the contractor listed on the permit, no less than 30 days before a building permit is set to expire. The written notice must identify the permit that is set to expire and the date the permit will expire. A building permit issued by a local government for a single-family dwelling expires 1 year after the issuance of the permit or on the effective date of the next edition of the Florida Building Code, whichever is later.

(f) A local government may not require a contract between

a builder and an owner, any copies of such contract, or any associated document, including, but not limited to, letters of intent, material costs lists, labor costs, or overhead or profit statements, for the issuance of a building permit or as a requirement for the submission of a building permit application. Inspection fees may not be based on the total cost of a project and may not exceed the actual inspection costs incurred by the local enforcement agency.

(g)1. A local government that issues building permits may not require an owner of a single-family dwelling or the owner's contractor to obtain a building permit to perform any work that is valued at less than $7,500 on the single-family dwelling's lot. However, a local government may require a building permit for any electrical, plumbing, or structural work, not including the repair or replacement of exterior doors or windows, performed on a lot containing a single-family dwelling regardless of the value of the work.

2. A contractor who performs work that does not require a building permit under this paragraph must maintain for at least 5 years a written record of the work performed, the property address at which the work was performed, and the value of such work as proof that such work complies with subparagraph 1.

(h)1. A local government that issues building permits may not require an owner of a single-family dwelling or the owner's contractor to obtain a building permit for the installation of

temporary residential hurricane and flood protection walls or barriers that meet all of the following conditions:

a. The wall or barrier is nonhabitable and nonload-bearing.

b. The wall or barrier is installed on the residential property of a single-family or two-family dwelling or townhouse.

c. The wall or barrier is constructed to mitigate or prevent storm surge or floodwaters from entering a structure or property.

d. The wall or barrier is installed by a contractor licensed under part I of chapter 489.

e. The wall or barrier complies with applicable local zoning, drainage, easement, and setback requirements.

2. The commission may adopt rules under s. 120.54 to incorporate necessary standards to implement this paragraph.

(i) A local government that issues building permits may not require a building permit for each lot or parcel upon which a retaining wall is installed on the property of a single-family or two-family residential dwelling or a townhouse.

Section 4. Section 553.791, Florida Statutes, is amended to read:

553.791 Alternative plans review and inspection.—

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

(a) "Applicable codes" means the Florida Building Code and any local technical amendments to the Florida Building Code but

does not include the applicable minimum fire prevention and firesafety codes adopted pursuant to chapter 633.

(b) "Audit" means the process to confirm that the building code inspection services have been performed by the private provider, including ensuring that the required affidavit for the plan review has been properly completed and submitted with the permit documents and that the minimum mandatory inspections required under the building code have been performed and properly recorded. The local building official may not replicate the plan review or inspection being performed by the private provider, unless expressly authorized by this section.

(c) "Building" means any construction, erection, alteration, demolition, or improvement of, or addition to, any structure or site work for which permitting by a local enforcement agency is required.

(d) "Building code inspection services" means those services described in s. 468.603(5) and (8) involving the review of building plans as well as those services involving the review of site plans and site work engineering plans or their functional equivalent, to determine compliance with applicable codes and those inspections required by law, conducted either in person or virtually, of each phase of construction for which permitting by a local enforcement agency is required to determine compliance with applicable codes.

(e) "Deliver" or "delivery" means any method of delivery

used in conventional business or commercial practice, including delivery by electronic transmissions such as e-mail or submission through an electronic fill-in form available on the building department's website or through a third-party submission management software.

(f) "Duly authorized representative" means an agent of the private provider identified in the permit application who reviews plans or performs inspections as provided by this section and who is licensed as an engineer under chapter 471 or as an architect under chapter 481 or who holds a standard or provisional certificate under part XII of chapter 468. A duly authorized representative who only holds a provisional certificate under part XII of chapter 468 must be under the direct supervision of a person licensed as a building code administrator under part XII of chapter 468.

(g) "Electronic signature" means any letters, characters, or symbols manifested by electronic or similar means which are executed or adopted by a party with an intent to authenticate a writing or record.

(h) "Electronic transmission" or "submitted electronically" means any form or process of communication not directly involving the physical transfer of paper or another tangible medium which is suitable for the retention, retrieval, and reproduction of information by the recipient and is retrievable in paper form by the receipt through an automated

process. All notices, documents, and applications provided for in this section may be transmitted electronically and shall have the same legal effect as if physically posted or mailed.

(i) "Electronically posted" means providing notices of decisions, results, or records, including inspection records, through the use of a website or other form of electronic communication used to transmit or display information.

(j) "Immediate threat to public safety and welfare" means a building code violation that, if allowed to persist, constitutes an immediate hazard that could result in death, serious bodily injury, or significant property damage. This paragraph does not limit the authority of the local building official to issue a Notice of Corrective Action at any time during the construction of a building project or any portion of such project if the official determines that a condition of the building or portion thereof may constitute a hazard when the building is put into use following completion as long as the condition cited is shown to be in violation of the building code or approved plans.

(k) "Local building official" means the individual within the governing jurisdiction responsible for direct regulatory administration or supervision of plans review, enforcement, and inspection of any construction, erection, alteration, demolition, or substantial improvement of, or addition to, any structure for which permitting is required to indicate

compliance with applicable codes and includes any duly authorized designee of such person.

(l) "Permit application" means a properly completed and submitted application for the requested building or construction permit, including:

1. The plans reviewed by the private provider, or in the case of a single-trade plans review where a private provider uses an automated or software-based plans review system pursuant to subsection (7) ~~(6)~~, the information reviewed by the automated or software-based plans review system to determine compliance with one or more applicable codes.

2. The affidavit from the private provider required under subsection (7) ~~(6)~~.

3. Any applicable fees.

4. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.

(m) "Plans" means building plans, site engineering plans, or site plans, or their functional equivalent, submitted by a fee owner or fee owner's contractor to a private provider or duly authorized representative for review.

(n) "Private provider" means a person licensed as a building code administrator under part XII of chapter 468, as an engineer under chapter 471, or as an architect under chapter 481. For purposes of performing inspections under this section

for additions and alterations that are limited to 1,000 square feet or less to residential buildings, the term "private provider" also includes a person who holds a standard certificate under part XII of chapter 468.

(o) "Private provider firm" means a business organization, including a corporation, partnership, business trust, or other legal entity, which offers services under this chapter to the public through licensees who are acting as agents, employees, officers, or partners of the firm. A person who is licensed as a building code administrator under part XII of chapter 468, an engineer under chapter 471, or an architect under chapter 481 may act as a private provider for an agent, employee, or officer of the private provider firm.

(p) "Registration" means the roster of authorized private provider firms held by each local enforcement agency.

(q) ~~(p)~~ "Request for certificate of occupancy or certificate of completion" means a properly completed and executed application for:

1. A certificate of occupancy or certificate of completion.

2. A certificate of compliance from the private provider required under subsection (15) ~~(13)~~.

3. Any applicable fees.

4. Any documents required by the local building official to determine that the fee owner has secured all other government

approvals required by law.

(r) ~~(q)~~ "Single-trade inspection" or "single-trade plans review" means any inspection or plans review focused on a single construction trade, such as plumbing, mechanical, or electrical. The term includes, but is not limited to, inspections or plans reviews of door or window replacements; fences and block walls more than 6 feet high from the top of the wall to the bottom of the footing; stucco or plastering; reroofing with no structural alteration; solar energy and energy storage installations or alterations; HVAC replacements; ductwork or fan replacements; alteration or installation of wiring, lighting, and service panels; water heater changeouts; sink replacements; and repiping.

(s) ~~(r)~~ "Site work" means the portion of a construction project that is not part of the building structure, including, but not limited to, grading, excavation, landscape irrigation, and installation of driveways.

(t) ~~(s)~~ "Stop-work order" means the issuance of any written statement, written directive, or written order which states the reason for the order and the conditions under which the cited work will be permitted to resume.

(2)(a) Notwithstanding any other law or local government ordinance or local policy, the fee owner of a building or structure, or the fee owner's contractor upon written authorization from the fee owner, may choose to use a private

provider to provide plans review or building code inspection services with regard to such building or structure and may make payment directly to the private provider for the provision of such services. All such services shall be the subject of a ~~written~~ contract between the private provider, or the private provider's firm, and the fee owner or the fee owner's contractor, upon written authorization of the fee owner. The local enforcement agency may not require the contract to be provided as part of the permit application or as a condition for issuing a permit. The fee owner may elect to use a private provider to provide plans review or required building inspections, or both. However, if the fee owner or the fee owner's contractor uses a private provider to provide plans review, the local building official, in his or her discretion and pursuant to duly adopted policies of the local enforcement agency, may require the fee owner or the fee owner's contractor to use a private provider to also provide required building inspections.

(b) If a fee ~~an~~ owner or the fee owner's contractor retains a private provider for purposes of plans review or building inspection services, the local jurisdiction must reduce the permit fee by the amount of cost savings realized by the local enforcement agency for not having to perform such services. Such reduction may be calculated on a flat fee or percentage basis, or any other reasonable means by which a local

enforcement agency assesses the cost for its plans review or inspection services. The permit fee must be based on the cost incurred by the local jurisdiction, including the labor cost of the personnel providing such services and the clerical and supervisory assistance required to comply with this section. The local jurisdiction may not charge fees for plans review or building inspections if the fee owner or the fee owner's contractor hires a private provider to perform such services. The local enforcement agency may not charge punitive administrative fees when a fee owner has chosen to work with a private provider~~; however, the local jurisdiction may charge a reasonable administrative fee, which shall be based on the cost that is actually incurred, including the labor cost of the personnel providing the service, by the local jurisdiction or attributable to the local jurisdiction for the clerical and supervisory assistance required, or both~~.

(c) If a fee ~~an~~ owner or the fee owner's ~~a~~ contractor retains a private provider for purposes of plans review or building inspection services, the local jurisdiction must provide equal access to all permitting and inspection documents and reports to the private provider, owner, and contractor if such access is provided by software that protects exempt records from disclosure. Access to these documents must be promptly provided.

(d) A local government or local building official may not

require additional forms beyond those required at registration, except for the written notice required under subsection (5), if a fee owner or the fee owner's contractor uses a private provider.

(3) A private provider and any duly authorized representative may only perform building code inspection services that are within the disciplines covered by that person's licensure or certification under chapter 468, chapter 471, or chapter 481, including single-trade inspections. A private provider may not provide building code inspection services pursuant to this section upon any building designed or constructed by the private provider or the private provider's firm.

(4) A local enforcement agency must create a registration system for private providers and private provider firms working in the local enforcement agency's jurisdiction. A local enforcement agency must have a method to register and update registration information electronically. The local enforcement agency may not charge an administrative fee for registration or updates to a registration. The private provider or private provider firm must provide its contact information and verify compliance with the licensure requirements of paragraph (1)(n) or paragraph (1)(o), as applicable, and the insurance requirements of subsection (20). The private provider or private provider firm must register with the local enforcement agency in

the jurisdiction in which the provider or firm is working before contracting to provide services in such jurisdiction. The private provider or private provider firm must update its registration within 5 business days after any change to the provider's or firm's contact information, licensure, or insurance coverage.

(5) ~~(4)~~ A fee owner or the fee owner's contractor using a private provider to provide building code inspection services shall notify the local building official in writing at the time of permit application, or by 2 p.m. local time, 2 business days before the first scheduled inspection by the local building official or building code enforcement agency that a private provider has been contracted to perform the required inspections of construction under this section, including single-trade inspections, on a form ~~to be~~ adopted by the commission. The local enforcement agency may not alter the form. This notice must ~~shall~~ include the following information:

(a) The services to be performed by the private provider.

(b) The name, firm, address, telephone number, and e-mail address of each private provider who is performing or will perform such services, his or her professional license or certification number, ~~qualification statements or resumes,~~ and, if required by the local building official, a certificate of insurance demonstrating that professional liability insurance coverage is in place for the private provider's firm, the

private provider, and any duly authorized representative in the amounts required by this section.

(c) An acknowledgment from the fee owner or the fee owner's contractor in substantially the following form:

I have elected to use one or more private providers to provide building code plans review and/or inspection services on the building or structure that is the subject of the enclosed permit application, as authorized by s. 553.791, Florida Statutes. I understand that the local building official may not review the plans submitted or perform the required building inspections to determine compliance with the applicable codes, except to the extent specified in said law. Instead, plans review and/or required building inspections will be performed by licensed or certified personnel identified in the application. The law requires minimum insurance requirements for such personnel, but I understand that I may require more insurance to protect my interests. By executing this form, I acknowledge that I have made inquiry regarding the competence of the licensed or certified personnel and the level of their insurance and am satisfied that my interests are adequately protected. I agree to indemnify, defend, and hold harmless the local

government, the local building official, and their building code enforcement personnel from any and all claims arising from my use of these licensed or certified personnel to perform building code inspection services with respect to the building or structure that is the subject of the enclosed permit application.

If the fee owner or the fee owner's contractor makes any changes to the listed private providers or the services to be provided by those private providers, the fee owner or the fee owner's contractor shall, within 1 business day after any change or within 2 business days before the next scheduled inspection, update the notice to reflect such changes. A change of a duly authorized representative named in the permit application does not require a revision of the permit, and the building code enforcement agency shall not charge a fee for making the change.

(6) ~~(5)~~ After construction has commenced ~~and if either the local building official is unable to provide inspection services in a timely manner or the work subject to inspection is related to a single-trade inspection for a single-family or two-family dwelling~~, the fee owner or the fee owner's contractor may elect to use a private provider to provide inspection services for a single-trade inspection for a single-family or two-family dwelling by notifying the local building official of the owner's

or contractor's intention to do so ~~by 2 p.m. local time, 2 business days~~ before the next scheduled inspection using the notice provided for in paragraphs (5)(a)-(c) ~~(4)(a)-(c)~~.

(7)~~(6)~~ A private provider performing plans review under this section shall review the plans to determine compliance with the applicable codes. For single-trade plans reviews, a private provider may use an automated or software-based plans review system designed to determine compliance with one or more applicable codes, including, but not limited to, the National Electrical Code and the Florida Building Code. Upon determining that the plans reviewed comply with the applicable codes, the private provider shall prepare an affidavit or affidavits certifying, under oath, that the following is true and correct to the best of the private provider's knowledge and belief:

(a) The plans were reviewed by the affiant, who is duly authorized to perform plans review pursuant to this section and holds the appropriate license or certificate.

(b) The plans comply with the applicable codes.

Such affidavit may bear a written or electronic signature and may be submitted electronically to the local building official. A local enforcement agency must accept electronically submitted affidavits.

(8)(a) The local building official may not review plans, construction drawings, or any other related documents determined

by a private provider to be compliant with the applicable codes.

(b) The local building official may review other forms and documents required under this section for completeness only. The local building official must provide written notice to a permit applicant of any incomplete forms or documents required under this section no later than 10 days after receipt of a permit application and an affidavit from the private provider as required in subsection (7). The written notice must state with specificity which forms or documents are incomplete.

~~(7)(a) No more than 20 business days, or if the permit application is related to a single-trade plans review for a single-family or two-family dwelling, no more than 5 business days, after receipt of a permit application and the affidavit from the private provider required pursuant to subsection (6), the local building official shall issue the requested permit or provide a written notice to the permit applicant identifying the specific plan features that do not comply with the applicable codes, as well as the specific code chapters and sections.~~ If the local building official does not provide such ~~a~~ written notice ~~of the plan deficiencies~~ within 10 days ~~the prescribed time period~~, the permit ~~application~~ must be deemed approved as a matter of law, and the permit must be issued by the local building official on the next business day.

(c) ~~(b)~~ If the local building official provides a written notice ~~of plan deficiencies~~ to the permit applicant of any

incomplete forms or documents required under this section at the time of plan submission within the 10-day ~~prescribed~~ time period, such ~~the~~ time period is tolled pending resolution of the matter. To resolve the issues raised in the notice ~~plan deficiencies~~, the permit applicant may elect to dispute the issues ~~deficiencies~~ pursuant to subsection (17) ~~(15)~~ or to submit revisions to correct the issues ~~deficiencies~~.

(d) ~~(c)~~ If the permit applicant submits revisions, the local building official has the remainder of the tolled 10-day time period plus 5 business days ~~after the date of resubmittal~~ to issue the requested permit or to provide a second written notice to the permit applicant stating which of the previously identified forms or documents ~~plan features~~ remain incomplete ~~in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections~~. Any subsequent review by the local building official is limited to the issues ~~deficiencies~~ cited in the original written notice. If the local building official does not provide the second written notice within the prescribed time period, the permit must be deemed approved as a matter of law, and the local building official must issue the permit on the next business day.

(e) ~~(d)~~ If the local building official provides a second written notice ~~of plan deficiencies~~ to the permit applicant within the prescribed time period, the permit applicant may elect to dispute the issues raised in the second notice

~~deficiencies~~ pursuant to subsection (17) ~~(15)~~ or to submit additional revisions to correct the issues ~~deficiencies~~. For all revisions submitted after the first revision, the local building official has an additional 5 business days ~~after the date of resubmittal~~ to issue the requested permit or to provide a written notice to the permit applicant stating which of the previously identified forms or documents ~~plan features~~ remain incomplete. If the local building official does not provide the notice within the prescribed time period, the permit shall be deemed approved as a matter of law, and the local building official must issue the permit on the next business day ~~in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections~~.

(9) ~~(8)~~ A private provider performing required inspections under this section shall inspect each phase of construction as required by the applicable codes. Such inspection, including a single-trade inspection, may be performed in person or virtually. The private provider may have a duly authorized representative perform the required inspections, provided all required reports are prepared by and bear the written or electronic signature of the private provider or the private provider's duly authorized representative. The duly authorized representative must be an employee of the private provider entitled to receive reemployment assistance benefits under chapter 443. The contractor's contractual or legal obligations

are not relieved by any action of the private provider.

(10) ~~(9) A private provider performing required inspections under this section shall provide notice to the local building official of the approximate date and time of any such inspection.~~ The local building official may not prohibit the private provider from performing any inspection outside the local building official's normal operating hours, including after hours, weekends, or holidays. ~~The local building official may visit the building site as often as necessary to verify that the private provider is performing all required inspections.~~ A deficiency notice must be posted by the private provider, the duly authorized representative of the private provider, or the building department whenever a noncomplying item related to the building code or the permitted documents is found. Such notice may be physically posted at the job site or electronically posted. After corrections are made, the item must be reinspected by the private provider or the representative of the private provider before being concealed. ~~Reinspection or reaudit fees shall not be charged by~~ The local jurisdiction may not charge reinspection or reaudit fees as a result of the local jurisdiction's audit inspection occurring before the performance of the private provider's inspection or for any other administrative matter not involving the detection of a violation of the building code or a permit requirement.

(11) A local enforcement agency is not responsible for the

regulatory administration or supervision of building code inspection services performed by a private provider hired by a fee owner or the fee owner's contractor. A local enforcement agency may not require additional verification of licensure or insurance requirements beyond that which is required at registration.

(12) ~~(10)~~ If the private provider is a person licensed as an engineer under chapter 471 or an architect under chapter 481 and affixes his or her professional seal to the affidavit required under subsection (7) ~~(6)~~, the local building official must issue the requested permit or provide a written notice to the permit applicant identifying the specific plan features that do not comply with the applicable codes, as well as the specific code chapters and sections, within 10 business days after receipt of the permit application and affidavit. In such written notice, the local building official must provide with specificity the plan's deficiencies, the reasons the permit application failed, and the applicable codes being violated. If the local building official does not provide specific written notice to the permit applicant within the prescribed 10-day period, the permit application is deemed approved as a matter of law, and the local building official must issue the permit on the next business day.

(13) ~~(11)~~ If equipment replacements and repairs must be performed in an emergency situation, subject to the emergency

permitting provisions of the Florida Building Code, a private provider may perform emergency inspection services without first notifying the local building official ~~pursuant to subsection (9)~~. A private provider must conduct the inspection within 3 business days after being contacted to conduct an emergency inspection and must submit the inspection report to the local building official within 1 day after the inspection is completed.

(14) ~~(12)~~ Upon completing the required inspections at each applicable phase of construction, the private provider shall record such inspections on a form provided by the commission ~~acceptable to the local building official~~. The form must bear the written or electronic signature of the private provider or the private provider's duly authorized representative. These inspection records must ~~shall~~ reflect those inspections required by the applicable codes of each phase of construction for which permitting by a local enforcement agency is required. The private provider, upon completion of the required inspection, shall post each completed inspection record, indicating pass or fail, and provide the record to the local building official within 4 ~~2~~ business days. Such inspection record may be electronically posted by the private provider, or the private provider may post such inspection record physically at the project site. The private provider may electronically transmit the record to the local building official. The local building

official may waive the requirement to provide a record of each inspection within 4 ~~2~~ business days if the record is electronically posted or posted at the project site and all such inspection records are submitted with the certificate of compliance. Unless the records have been electronically posted and transmitted, records of all required and completed inspections shall be maintained at the building site at all times and made available for review by the local building official. A local building official may not fail any inspection performed by a private provider for not having the inspection records at the job site if the inspection records have been electronically transmitted to the local building official within the 4-business-day requirement. The private provider shall report to the local enforcement agency any condition that poses an immediate threat to public safety and welfare.

(15) ~~(13)~~ Upon completion of all required inspections, the private provider firm shall prepare a certificate of compliance, on a form provided by the commission ~~acceptable to the local building official~~, summarizing the inspections performed and including a written representation, under oath, that the stated inspections have been performed and that, to the best of the private provider's knowledge and belief, the building construction inspected complies with the approved plans and applicable codes. The certificate of compliance may be signed by any qualified licensed individual employed full time by the

private provider firm under whose authority the inspection was completed. The statement required of the private provider shall be substantially in the following form and shall be signed and sealed by a private provider as established in subsection (1) or may be electronically transmitted to the local building official:

To the best of my knowledge and belief, the building components and site improvements outlined herein and inspected under my authority have been completed in conformance with the approved plans and the applicable codes.

(16)(a) ~~(14)(a)~~ The local building official may only perform building inspections of construction that a private provider has determined to be compliant with the applicable codes if the local building official has actual knowledge that the private provider did not perform the required inspections. If the local building official has such knowledge, the local building official must provide to the private provider written notice of the facts and circumstances upon which the local building official relied for such actual knowledge before performing a required inspection. The local building official may review forms and documents required under this section for completeness only. No more than 10 business days, or if the

permit is related to single-family or two-family dwellings then no more than 2 business days, after receipt of a request for a certificate of occupancy or certificate of completion and the applicant's presentation of a certificate of compliance and approval of all other government approvals required by law, including the payment of all outstanding fees, the local building official shall issue the certificate of occupancy or certificate of completion or provide ~~a~~ notice to the applicant of any incomplete forms or documents required under this section ~~identifying the specific deficiencies, as well as the specific code chapters and sections~~.

(b) If the local building official does not provide notice of any incomplete forms or documents ~~the deficiencies~~ within the applicable time periods under paragraph (a), the request for a certificate of occupancy or certificate of completion is automatically granted and deemed issued as of the next business day. The local building official must provide the applicant with the written certificate of occupancy or certificate of completion within 10 days after it is automatically granted and issued. To resolve any identified issues ~~deficiencies~~, the applicant may elect to dispute the issues ~~deficiencies~~ pursuant to subsection (17) ~~(15)~~ or to submit a corrected request for a certificate of occupancy or certificate of completion.

(17)~~(15)~~ If the local building official determines that the building construction or plans do not comply with the

applicable codes, the official may deny the permit or request for a certificate of occupancy or certificate of completion, as appropriate, or may issue a stop-work order for the project or any portion thereof as provided by law, if the official determines that the noncompliance poses an immediate threat to public safety and welfare, subject to the following:

(a) The local building official shall be available to meet with the private provider within 2 business days to resolve any dispute after issuing a stop-work order or providing notice to the applicant denying a permit or request for a certificate of occupancy or certificate of completion.

(b) If the local building official and private provider are unable to resolve the dispute, the matter shall be referred to the local enforcement agency's board of appeals, if one exists, which shall consider the matter at its next scheduled meeting or sooner. Any decisions by the local enforcement agency's board of appeals, or local building official if there is no board of appeals, may be appealed to the commission as provided by this chapter.

(c) Notwithstanding any provision of this section, any decisions regarding the issuance of a building permit, certificate of occupancy, or certificate of completion may be reviewed by the local enforcement agency's board of appeals, if one exists. Any decision by the local enforcement agency's board of appeals, or local building official if there is no board of

appeals, may be appealed to the commission as provided by this chapter, which shall consider the matter at the commission's next scheduled meeting.

(18) ~~(16)~~ For the purposes of this section, any notice to be provided by the local building official shall be deemed to be provided to the person or entity when successfully transmitted to the e-mail address listed for that person or entity in the permit application or revised permit application, or, if no e-mail address is stated, when actually received by that person or entity.

(19)(a) ~~(17)(a)~~ A local enforcement agency, local building official, or local government may not adopt or enforce any laws, rules, procedures, policies, qualifications, or standards more stringent than those prescribed by this section.

~~(b) A local enforcement agency, local building official, or local government may establish, for private providers, private provider firms, and duly authorized representatives working within that jurisdiction, a system of registration to verify compliance with the licensure requirements of paragraph (1)(n) and the insurance requirements of subsection (18).~~

(b) ~~(c)~~ This section does not limit the authority of the local building official to issue a stop-work order for a building project or any portion of the project, as provided by law, if the official determines that a condition on the building site constitutes an immediate threat to public safety and

welfare.

(c) A local enforcement agency may not prohibit or limit private providers from using virtual inspections if a virtual inspection is not prohibited by any applicable code.

(20) ~~(18)~~ A private provider may perform building code inspection services on a building project under this section only if the private provider maintains insurance for professional liability covering all services performed as a private provider. Such insurance shall have minimum policy limits of $1 million per occurrence and $2 million in the aggregate for any project with a construction cost of $5 million or less and $2 million per occurrence and $4 million in the aggregate for any project with a construction cost of over $5 million. Nothing in this section limits the ability of a fee owner to require additional insurance or higher policy limits. For these purposes, the term "construction cost" means the total cost of building construction as stated in the building permit application. If the private provider chooses to secure claims-made coverage to fulfill this requirement, the private provider must also maintain coverage for a minimum of 5 years after ~~subsequent to~~ the performance of building code inspection services. The insurance required under this subsection shall be written only by insurers authorized to do business in this state with a minimum A.M. Best's rating of A. Before providing building code inspection services within a local building

official's jurisdiction, a private provider must provide to the local building official a certificate of insurance evidencing that the coverages required under this subsection are in force.

(21) ~~(19)~~ When performing building code inspection services, a private provider is subject to the disciplinary guidelines of the applicable professional board with jurisdiction over his or her license or certification under chapter 468, chapter 471, or chapter 481. All private providers shall be subject to the disciplinary guidelines of s. 468.621(1)(c)-(h). Any complaint processing, investigation, and discipline that arise out of a private provider's performance of building code inspection services shall be conducted by the applicable professional board.

(22) ~~(20)~~ A local building code enforcement agency may not audit the performance of building code inspection services by private providers operating within the local jurisdiction until the agency has created standard operating private provider audit procedures for the agency's internal inspection and review staff, which includes, at a minimum, the private provider audit purpose and scope, private provider audit criteria, an explanation of private provider audit processes and objections, and detailed findings of areas of noncompliance. Such private provider audit procedures must be publicly available online, and a printed version must be readily accessible in agency buildings. The private provider audit results of staff for the

prior two quarters also must be publicly available. The agency's audit processes must adhere to the agency's posted standard operating audit procedures. The same private provider or private provider firm may not be audited more than four times in a year unless the local building official determines a condition of a building constitutes an immediate threat to public safety and welfare, which must be communicated in writing to the private provider or private provider firm. The private provider or private provider firm must be given notice of each audit to be performed at least 5 business days before the audit. Work on a building or structure may proceed after inspection and approval by a private provider. The work may not be delayed for completion of an inspection audit by the local building code enforcement agency.

(23) ~~(21)~~ The local government, ~~the~~ local building official, and ~~their~~ building code enforcement personnel shall be immune from liability to any person or party for any action or inaction by a fee owner of a building, or by a private provider or its duly authorized representative, in connection with building code inspection services as authorized in this act. The local government, local enforcement agency, local building official, and building code enforcement personnel may not prohibit or discourage the use of a private provider or a private provider firm.

(24) ~~(22)~~ Notwithstanding any other law, a county, a

municipality, a school district, or an independent special district may use a private provider or a private provider firm, or may employ a licensed building inspector as described in s. 468.603(5)(a) or a person who holds the same licensure or certification as a private provider, to provide building code inspection services for a public works project, an improvement, a building, or any other structure that is owned by the county, municipality, school district, or independent special district.

Section 5. Paragraph (a) of subsection (1) of section 553.792, Florida Statutes, is amended to read:

553.792 Building permit application to local government.—

(1)(a) A local government must approve, approve with conditions, or deny a building permit application after receipt of a completed and sufficient application within the following timeframes, unless the applicant waives such timeframes in writing:

1. Within 5 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits for an existing single-family residential dwelling if the value of the work is less than $15,000: structural, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.

2.~~1.~~ Within 30 business days after receiving a complete and sufficient application, for an applicant using a local

government plans reviewer to obtain the following building permits if the structure is less than 7,500 square feet: residential units, including a single-family residential unit or a single-family residential dwelling, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.

3.~~2.~~ Within 60 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits if the structure is 7,500 square feet or more: residential units, including a single-family residential unit or a single-family residential dwelling, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.

4.~~3.~~ Within 60 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits: signs or nonresidential buildings that are less than 25,000 square feet.

5.~~4.~~ Within 60 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits: multifamily residential, not exceeding 50 units; site-plan approvals and subdivision plats not requiring public hearing or public notice; and lot grading and site alteration.

6.~~5.~~ Within 12 business days after receiving a complete and sufficient application, for an applicant using a master building permit consistent with s. 553.794 to obtain a site-specific building permit.

7.~~6.~~ Within 10 business days after receiving a complete and sufficient application, for an applicant for a single-family residential dwelling applied for by a contractor licensed in this state on behalf of a property owner who participates in a Community Development Block Grant-Disaster Recovery program administered by the Department of Commerce, unless the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances.

However, the local government may not require the waiver of the timeframes in this section as a condition precedent to reviewing an applicant's building permit application.

Section 6. Paragraphs (b) through (m) of subsection (1) of section 553.77, Florida Statutes, are redesignated as paragraphs (c) through (n), respectively, present paragraph (c) of that subsection is amended, and a new paragraph (b) is added to that subsection, to read:

553.77 Specific powers of the commission.—

(1) The commission shall:

(b) By July 1, 2027, adopt by rule a uniform commercial building permit application to be used statewide for commercial

construction projects and a uniform residential building permit application to be used statewide for residential construction projects.

(d) ~~(c)~~ Upon written application by any substantially affected person or a local enforcement agency, issue declaratory statements pursuant to s. 120.565 relating to new technologies, techniques, and materials which have been tested where necessary and found to meet the objectives of the Florida Building Code. This paragraph does not apply to the types of products, materials, devices, or methods of construction required to be approved under paragraph (g) ~~(f)~~.

Section 7. Paragraph (c) is added to subsection (1) of section 720.3035, Florida Statutes, to read:

720.3035 Architectural control covenants; parcel owner improvements; rights and privileges.—

(1)

(c) An association or any architectural, construction improvement, or other such similar committee of an association may not require a building permit to be issued by a governmental authority to a parcel owner as a prerequisite for review by the association or committee concerning the construction of structures or improvements on the parcel.

Section 8. This act shall take effect July 1, 2026.

COMMERCE COMMITTEE

HB 803 by Rep. Trabulsy
Building Permits and Inspections

AMENDMENT SUMMARY
February 18, 2026

Amendment #044805 by Trabulsy (Strike-all):

- Creates requirements for the issuance of building permits for residential distributed energy generation and backup power systems and establishes requirements for the installation of such systems.
- Requires the building commission to adopt uniform building permit applications that can be integrated with a local government's existing building permit software system, if feasible.
- Sets minimum percentages, 25 or 50 percent, that permit fees must be reduced by when private providers are used for plans review or inspections.
- Clarifies that a building official must have knowledge that a private provider did not perform required inspections before conducting an inspection.
- Clarifies that local governments can extend building permit expiration dates.
- The bill provides that a building permit is not required for certain work under $7,500. The strike-all requires any person working under the exemption to give notice to the local enforcement agency that they are doing work under the exemption.
- Provides that a local government has no legal duty to the owner or contractor when work is done on a project exempt from permitting.
- Clarifies that specific written authorization from an owner is required before using a private provider and the decision to use a private provider may be made at any time.
- Clarifies the timeline for single-trade plans review.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	____	(Y/N)
ADOPTED AS AMENDED	____	(Y/N)
ADOPTED W/O OBJECTION	____	(Y/N)
FAILED TO ADOPT	____	(Y/N)
WITHDRAWN	____	(Y/N)
OTHER		

Committee/Subcommittee hearing bill: Commerce Committee
Representative Trabulsy offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Paragraph (d) of subsection (4) of section 125.56, Florida Statutes, is amended to read:

125.56 Enforcement and amendment of the Florida Building Code and the Florida Fire Prevention Code; inspection fees; inspectors; etc.—

(4)

(d) A county that issues building permits may send a written notice of expiration, by e-mail or United States Postal Service, to the owner of the property and the contractor listed on the permit, no less than 30 days before a building permit is set to expire. The written notice must identify the permit that

is set to expire and the date the permit will expire. A building permit issued by a county for a single-family dwelling expires 1 year after the issuance of the permit or on the effective date of the next edition of the Florida Building Code, whichever is later; however, nothing in this subsection prevents a local government from extending the building permit beyond the expiration date.

Section 2. Paragraph (o) of subsection (1) of section 489.129, Florida Statutes, is amended to read:

489.129 Disciplinary proceedings.—

(1) The board may take any of the following actions against any certificateholder or registrant: place on probation or reprimand the licensee, revoke, suspend, or deny the issuance or renewal of the certificate or registration, require financial restitution to a consumer for financial harm directly related to a violation of a provision of this part, impose an administrative fine not to exceed $10,000 per violation, require continuing education, or assess costs associated with investigation and prosecution, if the contractor, financially responsible officer, or business organization for which the contractor is a primary qualifying agent, a financially responsible officer, or a secondary qualifying agent responsible under s. 489.1195 is found guilty of any of the following acts:

(o) Proceeding on any job without obtaining applicable local building department permits and inspections, unless

otherwise provided by law.

For the purposes of this subsection, construction is considered to be commenced when the contract is executed and the contractor has accepted funds from the customer or lender. A contractor does not commit a violation of this subsection when the contractor relies on a building code interpretation rendered by a building official or person authorized by s. 553.80 to enforce the building code, absent a finding of fraud or deceit in the practice of contracting, or gross negligence, repeated negligence, or negligence resulting in a significant danger to life or property on the part of the building official, in a proceeding under chapter 120.

Section 3. Paragraphs (a), (b), (c), and (f) of subsection (1) of section 553.79, Florida Statutes, are amended, and paragraphs (g), (h), and (i) are added to that subsection, to read:

553.79 Permits; applications; issuance; inspections.—

(1)(a) Unless otherwise provided by law, after the effective date of the Florida Building Code adopted as herein provided, it shall be unlawful for any person, firm, corporation, or governmental entity to construct, erect, alter, modify, repair, or demolish any building within this state without first obtaining a permit therefor from the appropriate enforcing agency or from such persons as may, by appropriate

resolution or regulation of the authorized state or local enforcing agency, be delegated authority to issue such permits, upon the payment of such reasonable fees adopted by the enforcing agency. The enforcing agency is empowered to revoke any such permit upon a determination by the agency that the construction, erection, alteration, modification, repair, or demolition of the building for which the permit was issued is in violation of, or not in conformity with, the provisions of the Florida Building Code. Whenever a permit required under this section is denied or revoked because the plan, or the construction, erection, alteration, modification, repair, or demolition of a building, is found by the local enforcing agency to be not in compliance with the Florida Building Code, the local enforcing agency shall identify the specific plan or project features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the permit applicant. A plans reviewer or building code administrator who is responsible for issuing a denial, revocation, or modification request but fails to provide to the permit applicant a reason for denying, revoking, or requesting a modification, based on compliance with the Florida Building Code or local ordinance, is subject to disciplinary action against his or her license pursuant to s. 468.621(1)(i). Installation, replacement, removal, or metering of any load management control device is

exempt from and shall not be subject to the permit process and fees otherwise required by this section.

(b) A local enforcement agency shall post each type of building permit application, as adopted by the commission, including a list of all required attachments, drawings, or other requirements for each type of application, on its website. A local enforcement agency must post and update the status of every received application on its website until the issuance of the building permit. A local enforcement agency must allow applicants to submit completed applications, including payments, attachments, drawings, or other requirements or parts of the ~~completed~~ permit application, ~~must be able to be submitted~~ electronically to the appropriate building department. Accepted methods of electronic submission include, but are not limited to, e-mail submission of applications in Portable Document Format or submission of applications through an electronic fill-in form available on the building department's website or through a third-party submission management software. A building official, at his or her discretion, may accept completed applications, including payments, attachments, drawings, or other requirements or parts of the ~~completed~~ permit application, ~~may also be submitted~~ in person in a nonelectronic format~~, at the discretion of the building official~~.

(c) A local government that issues building permits may send a written notice of expiration, by e-mail or United States

Postal Service, to the owner of the property and the contractor listed on the permit, no less than 30 days before a building permit is set to expire. The written notice must identify the permit that is set to expire and the date the permit will expire. A building permit issued by a local government for a single-family dwelling expires 1 year after the issuance of the permit or on the effective date of the next edition of the Florida Building Code, whichever is later; however, nothing in this subsection prevents a local government from extending the building permit beyond the expiration date.

(f) A local government may not require a contract between a builder and an owner, any copies of such contract, or any associated document, including, but not limited to, letters of intent, material costs lists, labor costs, or overhead or profit statements, for the issuance of a building permit or as a requirement for the submission of a building permit application. Inspection fees may not be based on the total cost of a project and may not exceed the actual inspection costs incurred by the local enforcement agency.

(g)1. A local government that issues building permits may not require an owner of a single-family dwelling or the owner's contractor to obtain a building permit to perform any work that is valued at less than $7,500 on the owner's property. A construction project may not be divided into more than one project for the purpose of evading the requirements of this

section. However, a local government may require a building permit for any electrical, plumbing, structural, mechanical, or gas work performed on the property containing a single-family dwelling regardless of the value of the work.

2. For any work performed under this exemption by a person other than the property owner, the person performing the work shall file a notice of permit exemption with the local enforcement agency that includes the name and license number of the person or entity hired, the scope of the work performed, the property address at which the work was performed, and the value of such work as proof that such work complies with subparagraph 1. Such notice must be filed not later than 30 days from the date the work begins. The notice is not required for work performed personally by the property owner. A local government has no legal duty to the owner, contractor, or their successors or assigns, for work performed pursuant to this paragraph.

(h)1. A local government that issues building permits may not require an owner of a single-family dwelling or the owner's contractor to obtain a building permit for the installation of temporary residential hurricane and flood protection walls or barriers that meet all of the following conditions:

a. The wall or barrier is nonhabitable and nonload-bearing.

b. The wall or barrier is installed on the residential property of a single-family or two-family dwelling or townhouse.

c. The wall or barrier is constructed to mitigate or prevent storm surge or floodwaters from entering a structure or property.

d. The wall or barrier is installed by a contractor licensed under part I of chapter 489.

e. The wall or barrier complies with applicable local zoning, drainage, easement, and setback requirements.

2. A local government has no legal duty to the owner, contractor, or their successors or assigns, for work performed pursuant to this paragraph.

3. The commission may adopt rules under s. 120.54 to incorporate necessary standards to implement this paragraph.

(i) A local government that issues building permits may not require a building permit for each lot or parcel upon which a retaining wall is installed on the property of a single-family or two-family residential dwelling or a townhouse.

Section 4. Section 553.791, Florida Statutes, is amended to read:

553.791 Alternative plans review and inspection.—

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

(a) "Applicable codes" means the Florida Building Code and any local technical amendments to the Florida Building Code but does not include the applicable minimum fire prevention and firesafety codes adopted pursuant to chapter 633.

(b) "Audit" means the process to confirm that the building

code inspection services have been performed by the private provider, including ensuring that the required affidavit for the plan review has been properly completed and submitted with the permit documents and that the minimum mandatory inspections required under the building code have been performed and properly recorded. The local building official may not replicate the plan review or inspection being performed by the private provider, unless expressly authorized by this section.

(c) "Building" means any construction, erection, alteration, demolition, or improvement of, or addition to, any structure or site work for which permitting by a local enforcement agency is required.

(d) "Building code inspection services" means those services described in s. 468.603(5) and (8) involving the review of building plans as well as those services involving the review of site plans and site work engineering plans or their functional equivalent, to determine compliance with applicable codes and those inspections required by law, conducted either in person or virtually, of each phase of construction for which permitting by a local enforcement agency is required to determine compliance with applicable codes.

(e) "Deliver" or "delivery" means any method of delivery used in conventional business or commercial practice, including delivery by electronic transmissions <u>such as e-mail or submission through an electronic fill-in form available on the</u>

building department's website or through a third-party submission management software.

(f) "Duly authorized representative" means an agent of the private provider identified in the permit application who reviews plans or performs inspections as provided by this section and who is licensed as an engineer under chapter 471 or as an architect under chapter 481 or who holds a standard or provisional certificate under part XII of chapter 468. A duly authorized representative who only holds a provisional certificate under part XII of chapter 468 must be under the direct supervision of a person licensed as a building code administrator under part XII of chapter 468.

(g) "Electronic signature" means any letters, characters, or symbols manifested by electronic or similar means which are executed or adopted by a party with an intent to authenticate a writing or record.

(h) "Electronic transmission" or "submitted electronically" means any form or process of communication not directly involving the physical transfer of paper or another tangible medium which is suitable for the retention, retrieval, and reproduction of information by the recipient and is retrievable in paper form by the receipt through an automated process. All notices, documents, and applications provided for in this section may be transmitted electronically and shall have the same legal effect as if physically posted or mailed.

(i) "Electronically posted" means providing notices of decisions, results, or records, including inspection records, through the use of a website or other form of electronic communication used to transmit or display information.

(j) "Immediate threat to public safety and welfare" means a building code violation that, if allowed to persist, constitutes an immediate hazard that could result in death, serious bodily injury, or significant property damage. This paragraph does not limit the authority of the local building official to issue a Notice of Corrective Action at any time during the construction of a building project or any portion of such project if the official determines that a condition of the building or portion thereof may constitute a hazard when the building is put into use following completion as long as the condition cited is shown to be in violation of the building code or approved plans.

(k) "Local building official" means the individual within the governing jurisdiction responsible for direct regulatory administration or supervision of plans review, enforcement, and inspection of any construction, erection, alteration, demolition, or substantial improvement of, or addition to, any structure for which permitting is required to indicate compliance with applicable codes and includes any duly authorized designee of such person.

(l) "Permit application" means a properly completed and

submitted application for the requested building or construction permit, including:

1. The plans reviewed by the private provider, or in the case of a single-trade plans review where a private provider uses an automated or software-based plans review system pursuant to subsection (7) ~~(6)~~, the information reviewed by the automated or software-based plans review system to determine compliance with one or more applicable codes.

2. The affidavit from the private provider required under subsection (7) ~~(6)~~.

3. Any applicable fees.

4. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.

(m) "Plans" means building plans, site engineering plans, or site plans, or their functional equivalent, submitted by a fee owner or fee owner's contractor to a private provider or duly authorized representative for review.

(n) "Private provider" means a person licensed as a building code administrator under part XII of chapter 468, as an engineer under chapter 471, or as an architect under chapter 481. For purposes of performing inspections under this section for additions and alterations that are limited to 1,000 square feet or less to residential buildings, the term "private provider" also includes a person who holds a standard

certificate under part XII of chapter 468.

(o) "Private provider firm" means a business organization, including a corporation, partnership, business trust, or other legal entity, which offers services under this chapter to the public through licensees who are acting as agents, employees, officers, or partners of the firm. A person who is licensed as a building code administrator under part XII of chapter 468, an engineer under chapter 471, or an architect under chapter 481 may act as a private provider for an agent, employee, or officer of the private provider firm.

(p) "Registration" means the roster of authorized private provider firms held by each local enforcement agency.

(q) ~~(p)~~ "Request for certificate of occupancy or certificate of completion" means a properly completed and executed application for:

1. A certificate of occupancy or certificate of completion.

2. A certificate of compliance from the private provider required under subsection (15) ~~(13)~~.

3. Any applicable fees.

4. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.

(r) ~~(q)~~ "Single-trade inspection" or "single-trade plans review" means any inspection or plans review focused on a single

construction trade, such as plumbing, mechanical, or electrical. The term includes, but is not limited to, inspections or plans reviews of door or window replacements; fences and block walls more than 6 feet high from the top of the wall to the bottom of the footing; stucco or plastering; reroofing with no structural alteration; solar energy and energy storage installations or alterations; HVAC replacements; ductwork or fan replacements; alteration or installation of wiring, lighting, and service panels; water heater changeouts; sink replacements; and repiping.

(s) ~~(r)~~ "Site work" means the portion of a construction project that is not part of the building structure, including, but not limited to, grading, excavation, landscape irrigation, and installation of driveways.

(t) ~~(s)~~ "Stop-work order" means the issuance of any written statement, written directive, or written order which states the reason for the order and the conditions under which the cited work will be permitted to resume.

(2)(a) Notwithstanding any other law or local government ordinance or local policy, the fee owner of a building or structure, or the fee owner's contractor upon explicit written authorization from the fee owner, may choose at any time to use a private provider to provide plans review or building code inspection services with regard to such building or structure and may make payment directly to the private provider for the

provision of such services. All such services shall be the subject of a ~~written~~ contract between the private provider, or the private provider's firm, and the fee owner or the fee owner's contractor, upon explicit written authorization of the fee owner. The local enforcement agency may not require the contract to be provided as part of the permit application or as a condition for issuing a permit. The fee owner may elect to use a private provider to provide plans review or required building inspections, or both. However, if the fee owner or the fee owner's contractor uses a private provider to provide plans review, the local building official, in his or her discretion and pursuant to duly adopted policies of the local enforcement agency, may require the fee owner or the fee owner's contractor to use a private provider to also provide required building inspections.

(b) If a fee ~~an~~ owner or the fee owner's contractor retains a private provider for purposes of plans review or building inspection services, the local jurisdiction must reduce the permit fee by the amount of cost savings realized by the local enforcement agency for not having to perform such services. Such reduction may be calculated on a flat fee or percentage basis, or any other reasonable means by which a local enforcement agency assesses the cost for its plans review or inspection services. The permit fee must be based on the cost incurred by the local jurisdiction, including the labor cost of

the personnel providing such services and the clerical and supervisory assistance required to comply with this section. The local jurisdiction may not charge fees for plans review or building inspections if the fee owner or the fee owner's contractor hires a private provider to perform such services. The local enforcement agency may not charge punitive administrative fees when a fee owner has chosen to work with a private provider~~; however, the local jurisdiction may charge a reasonable administrative fee, which shall be based on the cost that is actually incurred, including the labor cost of the personnel providing the service, by the local jurisdiction or attributable to the local jurisdiction for the clerical and supervisory assistance required, or both~~.

(c) If a fee ~~an~~ owner or the fee owner's ~~a~~ contractor retains a private provider for purposes of plans review or building inspection services, the local jurisdiction must provide equal access to all permitting and inspection documents and reports to the private provider, owner, and contractor if such access is provided by software that protects exempt records from disclosure. Access to these documents must be promptly provided.

(d) If an owner or a contractor retains a private provider for purposes of plans review or building inspection services for a commercial construction project, the local enforcement agency must reduce the permit fee by at least 25 percent of the portion

of the permit fee attributable to plans review or building inspection services, as applicable. If an owner or a contractor retains a private provider for all required plans review and building inspection services, the local enforcement agency must reduce the total permit fee by at least 50 percent of the amount otherwise charged for such services. If a local enforcement agency does not reduce its fees by at least the percentages provided in this paragraph, the local enforcement agency forfeits the ability to collect any fees for the commercial construction project. The surcharge required by s. 553.721 must be calculated based on the reduced permit fee. This paragraph does not prohibit a local enforcement agency from reducing its fees in excess of the percentages provided in this paragraph.

(e) A local government or local building official may not require additional forms beyond those required at registration, except for the written notice required under subsection (5), if a fee owner or the fee owner's contractor uses a private provider.

(3) A private provider and any duly authorized representative may only perform building code inspection services that are within the disciplines covered by that person's licensure or certification under chapter 468, chapter 471, or chapter 481, including single-trade inspections. A private provider may not provide building code inspection services pursuant to this section upon any building designed or

constructed by the private provider or the private provider's firm.

(4) A local enforcement agency must create a registration system for private providers and private provider firms working in the local enforcement agency's jurisdiction. A local enforcement agency must have a method to register and update registration information electronically. The local enforcement agency may not charge an administrative fee for registration or updates to a registration. The private provider or private provider firm must provide its contact information and verify compliance with the licensure requirements of paragraph (1)(n) or paragraph (1)(o), as applicable, and the insurance requirements of subsection (20). The private provider or private provider firm must register with the local enforcement agency in the jurisdiction in which the provider or firm is working before contracting to provide services in such jurisdiction. The private provider or private provider firm must update its registration within 5 business days after any change to the provider's or firm's contact information, licensure, or insurance coverage.

(5) ~~(4)~~ A fee owner or the fee owner's contractor using a private provider to provide building code inspection services shall notify the local building official in writing at the time of permit application, or by 2 p.m. local time, 2 business days before the first scheduled inspection by the local building

official or building code enforcement agency that a private provider has been contracted to perform the required inspections of construction under this section, including single-trade inspections, on a form ~~to be~~ adopted by the commission. The local enforcement agency may not alter the form. This notice must ~~shall~~ include the following information:

(a) The services to be performed by the private provider.

(b) The name, firm, address, telephone number, and e-mail address of each private provider who is performing or will perform such services, his or her professional license or certification number, ~~qualification statements or resumes,~~ and, if required by the local building official, a certificate of insurance demonstrating that professional liability insurance coverage is in place for the private provider's firm, the private provider, and any duly authorized representative in the amounts required by this section.

(c) An acknowledgment from the fee owner or the fee owner's contractor in substantially the following form:

I have elected to use one or more private providers to provide building code plans review and/or inspection services on the building or structure that is the subject of the enclosed permit application, as authorized by s. 553.791, Florida Statutes. I understand that the local building official may not

review the plans submitted or perform the required building inspections to determine compliance with the applicable codes, except to the extent specified in said law. Instead, plans review and/or required building inspections will be performed by licensed or certified personnel identified in the application. The law requires minimum insurance requirements for such personnel, but I understand that I may require more insurance to protect my interests. By executing this form, I acknowledge that I have made inquiry regarding the competence of the licensed or certified personnel and the level of their insurance and am satisfied that my interests are adequately protected. I agree to indemnify, defend, and hold harmless the local government, the local building official, and their building code enforcement personnel from any and all claims arising from my use of these licensed or certified personnel to perform building code inspection services with respect to the building or structure that is the subject of the enclosed permit application.

If the fee owner or the fee owner's contractor makes any changes to the listed private providers or the services to be provided by those private providers, the fee owner or the fee owner's

contractor shall, within 1 business day after any change or within 2 business days before the next scheduled inspection, update the notice to reflect such changes. A change of a duly authorized representative named in the permit application does not require a revision of the permit, and the building code enforcement agency shall not charge a fee for making the change.

(6)~~(5)~~ After construction has commenced ~~and if either the local building official is unable to provide inspection services in a timely manner or the work subject to inspection is related to a single-trade inspection for a single-family or two-family dwelling~~, the fee owner or the fee owner's contractor may elect to use a private provider to provide inspection services for a single-trade inspection for a single-family or two-family dwelling by notifying the local building official of the owner's or contractor's intention to do so ~~by 2 p.m. local time, 2 business days~~ before the next scheduled inspection using the notice provided for in paragraphs (5)(a)-(c) ~~(4)(a)-(c)~~.

(7)~~(6)~~ A private provider performing plans review under this section shall review the plans to determine compliance with the applicable codes. For single-trade plans reviews, a private provider may use an automated or software-based plans review system designed to determine compliance with one or more applicable codes, including, but not limited to, the National Electrical Code and the Florida Building Code. Upon determining that the plans reviewed comply with the applicable codes, the

private provider shall prepare an affidavit or affidavits certifying, under oath, that the following is true and correct to the best of the private provider's knowledge and belief:

(a) The plans were reviewed by the affiant, who is duly authorized to perform plans review pursuant to this section and holds the appropriate license or certificate.

(b) The plans comply with the applicable codes.

Such affidavit may bear a written or electronic signature and may be submitted electronically to the local building official. A local enforcement agency must accept electronically submitted affidavits.

(8)(a) The local building official may not review plans, construction drawings, or any other related documents determined by a private provider to be compliant with the applicable codes.

(b) The local building official may review other forms and documents required under this section for completeness only. The local building official must provide written notice to a permit applicant of any incomplete forms or documents required under this section no later than 10 days after receipt of a permit application, or if the permit application is related to a single-trade plans review for a single-family or two-family dwelling, no more than 5 business days, and an affidavit from the private provider as required in subsection (7). The written notice must state with specificity which forms or documents are

incomplete.

~~(7)(a) No more than 20 business days, or if the permit application is related to a single-trade plans review for a single-family or two-family dwelling, no more than 5 business days, after receipt of a permit application and the affidavit from the private provider required pursuant to subsection (6), the local building official shall issue the requested permit or provide a written notice to the permit applicant identifying the specific plan features that do not comply with the applicable codes, as well as the specific code chapters and sections.~~ If the local building official does not provide such ~~a~~ written notice ~~of the plan deficiencies~~ within the prescribed time period, the permit ~~application~~ must be deemed approved as a matter of law, and the permit must be issued by the local building official on the next business day.

(c)~~(b)~~ If the local building official provides a written notice ~~of plan deficiencies~~ to the permit applicant of any incomplete forms or documents required under this section at the time of plan submission within the prescribed time period, such ~~the~~ time period is tolled pending resolution of the matter. To resolve the issues raised in the notice ~~plan deficiencies~~, the permit applicant may elect to dispute the issues ~~deficiencies~~ pursuant to subsection (17) ~~(15)~~ or to submit revisions to correct the issues ~~deficiencies~~.

(d)~~(c)~~ If the permit applicant submits revisions, the

local building official has the remainder of the tolled 10-day or 5-day time period plus 5 business days ~~after the date of resubmittal~~ to issue the requested permit or to provide a second written notice to the permit applicant stating which of the previously identified forms or documents ~~plan features~~ remain incomplete ~~in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections~~. Any subsequent review by the local building official is limited to the issues ~~deficiencies~~ cited in the original written notice. If the local building official does not provide the second written notice within the prescribed time period, the permit must be deemed approved as a matter of law, and the local building official must issue the permit on the next business day.

(e)~~(d)~~ If the local building official provides a second written notice ~~of plan deficiencies~~ to the permit applicant within the prescribed time period, the permit applicant may elect to dispute the issues raised in the second notice ~~deficiencies~~ pursuant to subsection (17) ~~(15)~~ or to submit additional revisions to correct the issues ~~deficiencies~~. For all revisions submitted after the first revision, the local building official has an additional 5 business days ~~after the date of resubmittal~~ to issue the requested permit or to provide a written notice to the permit applicant stating which of the previously identified forms or documents ~~plan features~~ remain

incomplete. If the local building official does not provide the notice within the prescribed time period, the permit shall be deemed approved as a matter of law, and the local building official must issue the permit on the next business day ~~in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections~~.

(9)~~(8)~~ A private provider performing required inspections under this section shall inspect each phase of construction as required by the applicable codes. Such inspection, including a single-trade inspection, may be performed in person or virtually. The private provider may have a duly authorized representative perform the required inspections, provided all required reports are prepared by and bear the written or electronic signature of the private provider or the private provider's duly authorized representative. The duly authorized representative must be an employee of the private provider entitled to receive reemployment assistance benefits under chapter 443. The contractor's contractual or legal obligations are not relieved by any action of the private provider.

(10)~~(9) A private provider performing required inspections under this section shall provide notice to the local building official of the approximate date and time of any such inspection.~~ The local building official may not prohibit the private provider from performing any inspection outside the local building official's normal operating hours, including

after hours, weekends, or holidays. ~~The local building official may visit the building site as often as necessary to verify that the private provider is performing all required inspections.~~ A deficiency notice must be posted by the private provider, the duly authorized representative of the private provider, or the building department whenever a noncomplying item related to the building code or the permitted documents is found. Such notice may be physically posted at the job site or electronically posted. After corrections are made, the item must be reinspected by the private provider or the representative of the private provider before being concealed. ~~Reinspection or reaudit fees shall not be charged by~~ The local jurisdiction may not charge reinspection or reaudit fees as a result of the local jurisdiction's audit inspection occurring before the performance of the private provider's inspection or for any other administrative matter not involving the detection of a violation of the building code or a permit requirement.

(11) A local enforcement agency is not responsible for the regulatory administration or supervision of building code inspection services performed by a private provider hired by a fee owner or the fee owner's contractor. A local enforcement agency may not require additional verification of licensure or insurance requirements beyond that which is required at registration.

(12)~~(10)~~ If the private provider is a person licensed as

an engineer under chapter 471 or an architect under chapter 481 and affixes his or her professional seal to the affidavit required under subsection (7) ~~(6)~~, the local building official must issue the requested permit or provide a written notice to the permit applicant identifying the specific plan features that do not comply with the applicable codes, as well as the specific code chapters and sections, within 10 business days after receipt of the permit application and affidavit. In such written notice, the local building official must provide with specificity the plan's deficiencies, the reasons the permit application failed, and the applicable codes being violated. If the local building official does not provide specific written notice to the permit applicant within the prescribed 10-day period, the permit application is deemed approved as a matter of law, and the local building official must issue the permit on the next business day.

(13) ~~(11)~~ If equipment replacements and repairs must be performed in an emergency situation, subject to the emergency permitting provisions of the Florida Building Code, a private provider may perform emergency inspection services without first notifying the local building official ~~pursuant to subsection (9)~~. A private provider must conduct the inspection within 3 business days after being contacted to conduct an emergency inspection and must submit the inspection report to the local building official within 1 day after the inspection is

completed.

(14)~~(12)~~ Upon completing the required inspections at each applicable phase of construction, the private provider shall record such inspections on a form provided by the commission ~~acceptable to the local building official~~. The form must bear the written or electronic signature of the private provider or the private provider's duly authorized representative. These inspection records must ~~shall~~ reflect those inspections required by the applicable codes of each phase of construction for which permitting by a local enforcement agency is required. The private provider, upon completion of the required inspection, shall post each completed inspection record, indicating pass or fail, and provide the record to the local building official within 4 ~~2~~ business days. Such inspection record may be electronically posted by the private provider, or the private provider may post such inspection record physically at the project site. The private provider may electronically transmit the record to the local building official. The local building official may waive the requirement to provide a record of each inspection within 4 ~~2~~ business days if the record is electronically posted or posted at the project site and all such inspection records are submitted with the certificate of compliance. Unless the records have been electronically posted or transmitted, records of all required and completed inspections shall be maintained at the building site at all

times and made available for review by the local building official. A local building official may not fail any inspection performed by a private provider for not having the inspection records at the job site if the inspection records have been electronically transmitted to the local building official within the 4-business-day requirement. The private provider shall report to the local enforcement agency any condition that poses an immediate threat to public safety and welfare.

(15)~~(13)~~ Upon completion of all required inspections, the private provider firm shall prepare a certificate of compliance, on a form provided by the commission ~~acceptable to the local building official~~, summarizing the inspections performed and including a written representation, under oath, that the stated inspections have been performed and that, to the best of the private provider's knowledge and belief, the building construction inspected complies with the approved plans and applicable codes. The certificate of compliance may be signed by any qualified licensed individual employed full time by the private provider firm under whose authority the inspection was completed. The statement required of the private provider shall be substantially in the following form and shall be signed and sealed by a private provider as established in subsection (1) or may be electronically transmitted to the local building official:

To the best of my knowledge and belief, the building components and site improvements outlined herein and inspected under my authority have been completed in conformance with the approved plans and the applicable codes.

(16)(a) ~~(14)(a)~~ The local building official may only perform building inspections of construction that a private provider has determined to be compliant with the applicable codes if the local building official has knowledge that the private provider did not perform the required inspections. If the local building official has such knowledge, the local building official must provide to the private provider written notice of the facts and circumstances upon which the local building official relied for such knowledge before performing a required inspection. The local building official may review forms and documents required under this section for completeness only. No more than 10 business days, or if the permit is related to single-family or two-family dwellings then no more than 2 business days, after receipt of a request for a certificate of occupancy or certificate of completion and the applicant's presentation of a certificate of compliance and approval of all other government approvals required by law, including the payment of all outstanding fees, the local building official shall issue the certificate of occupancy or certificate of

completion or provide ~~a~~ notice to the applicant of any incomplete forms or documents required under this section ~~identifying the specific deficiencies, as well as the specific code chapters and sections~~.

(b) If the local building official does not provide notice of any incomplete forms or documents ~~the deficiencies~~ within the applicable time periods under paragraph (a), the request for a certificate of occupancy or certificate of completion is automatically granted and deemed issued as of the next business day. The local building official must provide the applicant with the written certificate of occupancy or certificate of completion within 10 days after it is automatically granted and issued. To resolve any identified issues ~~deficiencies~~, the applicant may elect to dispute the issues ~~deficiencies~~ pursuant to subsection (17) ~~(15)~~ or to submit a corrected request for a certificate of occupancy or certificate of completion.

(17)~~(15)~~ If the local building official determines that the building construction or plans do not comply with the applicable codes, the official may deny the permit or request for a certificate of occupancy or certificate of completion, as appropriate, or may issue a stop-work order for the project or any portion thereof as provided by law, if the official determines that the noncompliance poses an immediate threat to public safety and welfare, subject to the following:

(a) The local building official shall be available to meet

with the private provider within 2 business days to resolve any dispute after issuing a stop-work order or providing notice to the applicant denying a permit or request for a certificate of occupancy or certificate of completion.

(b) If the local building official and private provider are unable to resolve the dispute, the matter shall be referred to the local enforcement agency's board of appeals, if one exists, which shall consider the matter at its next scheduled meeting or sooner. Any decisions by the local enforcement agency's board of appeals, or local building official if there is no board of appeals, may be appealed to the commission as provided by this chapter.

(c) Notwithstanding any provision of this section, any decisions regarding the issuance of a building permit, certificate of occupancy, or certificate of completion may be reviewed by the local enforcement agency's board of appeals, if one exists. Any decision by the local enforcement agency's board of appeals, or local building official if there is no board of appeals, may be appealed to the commission as provided by this chapter, which shall consider the matter at the commission's next scheduled meeting.

(18) ~~(16)~~ For the purposes of this section, any notice to be provided by the local building official shall be deemed to be provided to the person or entity when successfully transmitted to the e-mail address listed for that person or entity in the

permit application or revised permit application, or, if no e-mail address is stated, when actually received by that person or entity.

(19)(a) ~~(17)(a)~~ A local enforcement agency, local building official, or local government may not adopt or enforce any laws, rules, procedures, policies, qualifications, or standards more stringent than those prescribed by this section.

~~(b) A local enforcement agency, local building official, or local government may establish, for private providers, private provider firms, and duly authorized representatives working within that jurisdiction, a system of registration to verify compliance with the licensure requirements of paragraph (1)(n) and the insurance requirements of subsection (18).~~

(b) ~~(c)~~ This section does not limit the authority of the local building official to issue a stop-work order for a building project or any portion of the project, as provided by law, if the official determines that a condition on the building site constitutes an immediate threat to public safety and welfare.

(c) A local enforcement agency may not prohibit or limit private providers from using virtual inspections if a virtual inspection is not prohibited by any applicable code.

(20) ~~(18)~~ A private provider may perform building code inspection services on a building project under this section only if the private provider maintains insurance for

professional liability covering all services performed as a private provider. Such insurance shall have minimum policy limits of $1 million per occurrence and $2 million in the aggregate for any project with a construction cost of $5 million or less and $2 million per occurrence and $4 million in the aggregate for any project with a construction cost of over $5 million. Nothing in this section limits the ability of a fee owner to require additional insurance or higher policy limits. For these purposes, the term "construction cost" means the total cost of building construction as stated in the building permit application. If the private provider chooses to secure claims-made coverage to fulfill this requirement, the private provider must also maintain coverage for a minimum of 5 years after ~~subsequent to~~ the performance of building code inspection services. The insurance required under this subsection shall be written only by insurers authorized to do business in this state with a minimum A.M. Best's rating of A. Before providing building code inspection services within a local building official's jurisdiction, a private provider must provide to the local building official a certificate of insurance evidencing that the coverages required under this subsection are in force.

(21) ~~(19)~~ When performing building code inspection services, a private provider is subject to the disciplinary guidelines of the applicable professional board with jurisdiction over his or her license or certification under

chapter 468, chapter 471, or chapter 481. All private providers shall be subject to the disciplinary guidelines of s. 468.621(1)(c)-(h). Any complaint processing, investigation, and discipline that arise out of a private provider's performance of building code inspection services shall be conducted by the applicable professional board.

(22) ~~(20)~~ A local building code enforcement agency may not audit the performance of building code inspection services by private providers operating within the local jurisdiction until the agency has created standard operating private provider audit procedures for the agency's internal inspection and review staff, which includes, at a minimum, the private provider audit purpose and scope, private provider audit criteria, an explanation of private provider audit processes and objections, and detailed findings of areas of noncompliance. Such private provider audit procedures must be publicly available online, and a printed version must be readily accessible in agency buildings. The private provider audit results of staff for the prior two quarters also must be publicly available. The agency's audit processes must adhere to the agency's posted standard operating audit procedures. The same private provider or private provider firm may not be audited more than four times in a year unless the local building official determines a condition of a building constitutes an immediate threat to public safety and welfare, which must be communicated in writing to the private

provider or private provider firm. The private provider or private provider firm must be given notice of each audit to be performed at least 5 business days before the audit. Work on a building or structure may proceed after inspection and approval by a private provider. The work may not be delayed for completion of an inspection audit by the local building code enforcement agency.

(23)~~(21)~~ The local government, ~~the~~ local building official, and ~~their~~ building code enforcement personnel shall be immune from liability to any person or party for any action or inaction by a fee owner of a building, or by a private provider or its duly authorized representative, in connection with building code inspection services as authorized in this act. The local government, local enforcement agency, local building official, and building code enforcement personnel may not prohibit or discourage the use of a private provider or a private provider firm.

(24)~~(22)~~ Notwithstanding any other law, a county, a municipality, a school district, or an independent special district may use a private provider or a private provider firm, or may employ a licensed building inspector as described in s. 468.603(5)(a) or a person who holds the same licensure or certification as a private provider, to provide building code inspection services for a public works project, an improvement, a building, or any other structure that is owned by the county,

municipality, school district, or independent special district.

Section 5. Paragraph (a) of subsection (1) of section 553.792, Florida Statutes, is amended to read:

553.792 Building permit application to local government.—

(1)(a) A local government must approve, approve with conditions, or deny a building permit application after receipt of a completed and sufficient application within the following timeframes, unless the applicant waives such timeframes in writing:

1. Within 5 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits for an existing single-family residential dwelling if the value of the work is less than $15,000: structural, accessory structure, alarm, electrical, gas, irrigation, landscaping, mechanical, plumbing, or roofing.

2.~~1.~~ Within 30 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits if the structure is less than 7,500 square feet: residential units, including a single-family residential unit or a single-family residential dwelling, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.

3.~~2.~~ Within 60 business days after receiving a complete

and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits if the structure is 7,500 square feet or more: residential units, including a single-family residential unit or a single-family residential dwelling, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.

4.~~3.~~ Within 60 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits: signs or nonresidential buildings that are less than 25,000 square feet.

5.~~4.~~ Within 60 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits: multifamily residential, not exceeding 50 units; site-plan approvals and subdivision plats not requiring public hearing or public notice; and lot grading and site alteration.

6.~~5.~~ Within 12 business days after receiving a complete and sufficient application, for an applicant using a master building permit consistent with s. 553.794 to obtain a site-specific building permit.

7.~~6.~~ Within 10 business days after receiving a complete and sufficient application, for an applicant for a single-family residential dwelling applied for by a contractor licensed in

this state on behalf of a property owner who participates in a Community Development Block Grant-Disaster Recovery program ~~administered by the Department of Commerce~~, unless the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances.

However, the local government may not require the waiver of the timeframes in this section as a condition precedent to reviewing an applicant's building permit application.

Section 6. Paragraphs (b) through (m) of subsection (1) of section 553.77, Florida Statutes, are redesignated as paragraphs (c) through (n), respectively, present paragraph (c) of that subsection is amended, and a new paragraph (b) is added to that subsection, to read:

553.77 Specific powers of the commission.—

(1) The commission shall:

(b) By July 1, 2027, adopt by rule a uniform commercial building permit application to be used statewide for commercial construction projects and a uniform residential building permit application to be used statewide for residential construction projects. To the extent feasible, the uniform building permit applications adopted by the commission shall be capable of integration with existing building permit software systems utilized by local governments and must account for local amendments to the Florida Building Code.

(d) ~~(c)~~ Upon written application by any substantially affected person or a local enforcement agency, issue declaratory statements pursuant to s. 120.565 relating to new technologies, techniques, and materials which have been tested where necessary and found to meet the objectives of the Florida Building Code. This paragraph does not apply to the types of products, materials, devices, or methods of construction required to be approved under paragraph (g) ~~(f)~~.

Section 7. Paragraph (c) is added to subsection (1) of section 720.3035, Florida Statutes, to read:

720.3035 Architectural control covenants; parcel owner improvements; rights and privileges.—

(1)

(c) An association or any architectural, construction improvement, or other such similar committee of an association may not require a building permit to be issued by a governmental authority to a parcel owner as a prerequisite for review by the association or committee concerning the construction of structures or improvements on the parcel.

Section 8. Section 553.382, Florida Statutes, is amended to read:

553.382 Placement of certain housing.—Notwithstanding any other law or ordinance to the contrary, in order to expand the availability of affordable housing in this state, any residential manufactured building that is certified under this

chapter by the department may not be denied a building permit for placement ~~be placed~~ on a mobile home lot in a mobile home park, on any lot in a recreational vehicle park, or in a mobile home condominium, cooperative, or subdivision. Any such housing unit placed on a mobile home lot is a mobile home for purposes of chapter 723 and, therefore, all rights, obligations, and duties under chapter 723 apply, including the specifics of the prospectus. However, a housing unit subject to this section may not be placed on a mobile home lot without the prior written approval of the park owner. Each housing unit located on a mobile home lot and subject to this section shall be taxed as a mobile home under s. 320.08(11) and is subject to payments to the Florida Mobile Home Relocation Fund under s. 723.06116.

Section 9. Section 553.796, Florida Statutes, is created to read:

553.796 Building permits for residential distributed energy generation and backup power systems.—

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

(a) "Distributed energy generation system" means equipment and associated components installed as a fixture at a one-family or two-family dwelling or townhouse used to generate electrical energy primarily for the purpose of offsetting part or all of the electricity requirements of the dwelling or townhouse and which is capable of providing no more than 50 kilowatts of electrical output to the dwelling or townhouse.

(b) "Backup power system" means equipment and associated components installed as a fixture at a one-family or two-family dwelling or townhouse to generate or store electrical energy primarily for intermittent use for the purpose of providing on-site electrical power during utility outages, load management, resiliency, or other similar purposes and which is capable of providing no more than 50 kilowatts of electrical output to the dwelling or townhouse or, if the system includes energy storage, has an aggregate storage capacity of no more than 100 kilowatt hours. The term does not include a distributed energy generation system.

(2)(a) A local enforcement agency must issue a building permit for the design, installation, relocation, replacement, or repair of a distributed energy generation system that is installed by a contractor licensed under chapter 489 and qualified to install such system or a public utility that is exempt from licensure under s. 489.503(4) or 489.103(5), if plans signed and sealed by a Florida licensed professional engineer have been submitted. A contractor licensed under chapter 489 and qualified to install such system, not the local enforcement agency, must determine if the system meets the definition of a distributed energy generation system under subsection (1). The local enforcement agency shall issue the permit within 1 business day after the date on which an application is submitted and may not require any additional

plans review or other approval as a condition of issuing the permit. A licensed contractor may commence work immediately upon submitting such application under this section and does not have to wait for the permit to be issued; however, all rules related to interconnection of the system must be complied with before utilizing the interconnection.

(b) A local enforcement agency must issue a building permit for the design, installation, relocation, replacement, or repair of a backup power system that is installed by a contractor licensed under chapter 489 or 527 qualified to install such system or a public utility that is exempt from licensure under s. 489.503(4) or 489.103(5). A contractor licensed under chapter 489 or 527 and qualified to install such system, not the local enforcement agency, must determine if the system meets the definition of a backup power system under subsection (1). The local enforcement agency shall issue the permit within 1 business day after the date on which an application is submitted and may not require any additional plans review or other approval as a condition of issuing the permit. A licensed contractor may commence work immediately upon submitting such application under this section and does not have to wait for the permit to be issued.

(3) The installation of a distributed energy generation or backup power system performed by an owner and not a contractor does not qualify for permitting under subsection (2) and the

owner must proceed under otherwise applicable permitting requirements. This section does not authorize unlicensed contracting.

(4) Notwithstanding chapters 125 and 166 or any other law, a county, municipality, or special district may not adopt or enforce an ordinance, a rule, or any other measure related to the installation, relocation, replacement, or repair of distributed energy generation or backup power systems, beyond enforcing the standards contained in the Florida Building Code and the Florida Fire Prevention Code.

(5)(a) A local enforcement agency may conduct an inspection, in person or virtually, of a distributed energy generation or backup power system to verify compliance with the Florida Building Code and the Florida Fire Prevention Code. A local enforcement agency may not require more than one inspection of a backup power system except in the case of noncompliance as provided in subsection (6).

(b) An owner or the owner's contractor may choose to have the inspection of a distributed energy generation or backup power system performed by a private provider in accordance with s. 553.791. A private provider must adhere to the timelines for emergency inspections and submittal requirements of inspection reports. The procedures in s. 553.791(13) apply to inspections under this section that are performed by a private provider.

(6) If a local enforcement agency finds that an owner or

the owner's contractor has not complied with this section, the local enforcement agency must provide to the owner or contractor a written notice of correction that cites the specific code sections that are out of compliance and the required remedy to correct such noncompliance. The local enforcement agency may issue a stop-work order only to address an immediate danger to life or safety and only for the affected portion of the work being performed. Upon request by the owner or the owner's contractor after the noncompliance has been corrected, the local enforcement agency must reinspect within 2 business days after such request or on the next day inspections are being conducted, whichever is earlier. If a reinspection does not occur within the required timeframe, a private provider inspection report completed pursuant to s. 553.791 constitutes acceptance and approval on the part of the local enforcement agency upon submission by the contractor.

(7) A failed inspection report of a distributed energy generation or backup power system installed at or serving an existing and occupied one-family or two-family dwelling or townhouse may not be the sole basis for a local enforcement agency to withhold or revoke a certificate of occupancy for the dwelling or townhouse. Instead, the local enforcement agency may withhold authorization to energize the distributed energy generation or backup power system until any corrections are performed and verified.

(8)(a) A person who installs, alters, replaces, repairs, or modifies a distributed energy generation or backup power system must notify each entity that supplies energy or fuel to the dwelling or townhouse to which the system is affixed. Such notification must be made within a reasonable timeframe before the date on which the system is installed, altered, replaced, repaired, or modified.

(b) As applicable, one or more of the following entities require notification under paragraph (a):

1. An electric utility as defined in s. 366.02.

2. A natural gas utility as defined in s. 366.04(3)(c).

3. A Category I liquefied petroleum gas dealer as defined in s. 527.01(6).

(9) This section does not alter or abridge the jurisdiction of the Public Service Commission under chapter 366, Florida Statutes, the exemptions for municipal utilities and cooperatives under s. 366.11, Florida Statutes, or requirements adopted pursuant to s. 366.91 relating to interconnection and net metering. This section does not affect any tariff, service policy, or interconnection requirement of a utility or cooperative.

Section 10. This act shall take effect July 1, 2026.

T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:

An act relating to building permits and inspections; amending s. 125.56, F.S.; providing for expiration of certain building permits issued by a county; amending s. 489.129, F.S.; providing that certain persons are not subject to discipline for performing a job without applicable permits and inspections if otherwise authorized by law; amending s. 553.79, F.S.; providing for expiration of certain building permits issued by a local government; providing prohibitions for inspection fees; prohibiting a local government from requiring building permits for certain projects; providing an exception; requiring notice to the local enforcement agency; prohibiting local governments from requiring a building permit for the installation of temporary residential hurricane and flood protection walls or barriers that meet certain requirements; prohibiting local governments from requiring a building permit for the installation of certain retaining walls; amending s. 553.791, F.S.; revising and providing definitions; removing the requirement that a contract for certain services be in writing; providing that a contract for certain services does not need to be submitted as part of a permit

application; providing requirements for reduced permit fees; prohibiting a local jurisdiction from charging punitive administrative fees or fees for plans review services; requiring that certain documents be promptly provided to certain persons; requiring that permit fees be reduced by a certain percentage; prohibiting local governments and local building officials from requiring additional forms; requiring local enforcement agencies to create a specified registration system that must have a method to register and update registration information electronically; prohibiting local enforcement agencies from charging an administrative fee to register or update registration information; requiring private provider firms to register with the local enforcement agency, provide certain information, and update its registration within a specified timeframe after changes occur; prohibiting local enforcement agencies from altering a form adopted by the commission; removing the requirement that a private provider's qualification statements or resumes be included in a certain notice; removing time restrictions for electing to use a private provider; requiring local enforcement agencies to accept a certain affidavit electronically; providing which forms and documents a

local building official may review; providing notice requirements; providing that certain permits are deemed approved; providing that local enforcement agencies are not responsible for the administration or supervision of services performed by a private provider; prohibiting local enforcement agencies from requiring additional verification of certain requirements beyond that which is required at registration; revising the timeframe in which certain records must be provided; prohibiting local building officials from failing certain inspections; authorizing certain persons to sign certificates of compliance; providing requirements for local building officials who have knowledge that a private provider failed to perform an inspection; providing that virtual inspections may not be prohibited; requiring certain notice before an audit; prohibiting certain entities from discouraging the use of private providers; authorizing certain public entities to use a private provider firm or to employ a licensed building inspector to provide building code inspection services; amending s. 553.792, F.S.; requiring a local government to make certain decisions relating to certain building permits within a specified timeframe; amending s. 553.77, F.S.; requiring the Florida

Building Commission to develop uniform commercial and residential building permit applications by a specified date; amending s. 720.3035, F.S.; prohibiting an association or certain committees from requiring a building permit as a prerequisite for a certain review; amending 553.382, F.S.; requiring building permits be issued to allow mobile homes in RV lots; creating Section 553.796, F.S.; requiring the issuance of building permits for residential distributed energy generation and backup power systems when the systems are installed by a contractor; requiring notice; providing an effective date.

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: CS/HB 837	**COMPANION BILL:** SB 962 (Bradley)
TITLE: Affordable Housing	**LINKED BILLS:** None
SPONSOR(S): Busatta	**RELATED BILLS:** None

Committee References

Housing, Agriculture & Tourism	➤	Intergovernmental Affairs	➤	Commerce
15 Y, 0 N, As CS		13 Y, 3 N		

SUMMARY

Effect of the Bill:
The bill provides that under the Live Local Act, counties and municipalities are not required to authorize multifamily and mixed-use residential uses for an area if the area is also a farm or farm operation, or utilized for uses associated therewith.

Fiscal or Economic Impact:
The bill has an indeterminate fiscal impact on local governments, and likely no fiscal impact on state government.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill exempts farms and farm operations from the Live Local Act. (Sections 1 and 2)

The bill amends the Live Local Act to provide that farms or farm operations, as defined in the Florida Right to Farm Act, or uses associated with farming, including the packaging and sale of products raised on the premises, are not considered commercial, industrial, or mixed uses. (Sections 1 and 2)

Accordingly, counties and municipalities are not required to authorize multifamily and mixed-use residential uses for an area if the area is also a farm or farm operation, or utilized for uses associated therewith. (Sections 1 and 2)

The bill removes "meat packing facilities, citrus processing and packing facilities, and produce processing and packing facilities" as industrial uses under the Live Local Act. (Sections 1 and 2)

The bill provides an effective date of July 1, 2026. (Section 3)

FISCAL OR ECONOMIC IMPACT:

LOCAL GOVERNMENT:

The bill has an indeterminate fiscal impact on local governments, as it may affect the number of new developments that local governments must allow.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Live Local Act

The Live Local Act, which became law in 2023, preempts certain county and municipal zoning and land use decisions to encourage development of affordable multifamily rental housing in targeted land use areas.[1] Specifically, counties and municipalities must allow a multifamily or mixed-use residential[2] rental development in any area **zoned for commercial, industrial, or mixed-use**, and in portions of any flexibly zoned area such as a planned unit development **permitted for commercial, industrial, or mixed use**, if at least 40 percent of the residential units in the development are rental units that, for a period of at least 30 years, meet certain affordability requirements.[3]

The Live Local Act provides the following definitions:[4]

- **Commercial use** means activities associated with the sale, rental, or distribution of products or the performance of related services. The term includes, but is not limited to, such uses or activities as retail sales; wholesale sales; rentals of equipment, goods, or products; offices; restaurants; hotels; food service vendors; sports arenas; theaters; tourist attractions; and other for-profit business activities. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered commercial use, irrespective of the local land development regulation's listed category or title.
    - The term does not include home-based businesses or cottage food operations undertaken on residential property, vacation rentals, or uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not commercial use, irrespective of how they are operated.
- **Industrial use** means activities associated with the manufacture, assembly, processing, or storage of products or the performance of related services. The term includes, but is not limited to, such uses or activities as automobile manufacturing or repair, boat manufacturing or repair, junk yards, **meat packing facilities,[5] citrus processing and packing facilities, produce processing and packing facilities,[6]** electrical generating plants, water treatment plants, sewage treatment plants, and solid waste disposal sites. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered industrial use for the purposes of this section, irrespective of the local land development regulation's listed category or title.
    - The term does not include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not industrial use, irrespective of how they are operated.
- **Mixed use** means any use that combines multiple types of approved land uses from at least two of the residential use, commercial use, and industrial use categories.

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[1] Ch. 2023-17, ss. 3, 5, Laws of Fla., codified as ss. 125.01055(7) and 166.04151(7), F.S.

[2] For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes; local governments may not require that more than 10 percent of the total square footage be used for nonresidential purposes. Ss. 125.01055(7)(a) and 166.04151(7)(a), F.S.

[3] Ss. 125.01055(7)(a) and 166.04151(7)(a), F.S.

[4] Ss. 125.01055(7)(c) and 166.04151(7)(c), F.S.

[5] Meat packing facilities are facilities for the business or industry of slaughtering cattle and other meat animals and processing the carcasses for sale, sometimes including the packaging of processed meat products. Dictonary.com, *meat packing*, https://www.dictionary.com/browse/meat-packing (last visited Jan. 21, 2026).

[6] Citrus and produce processing and packing facilities are where fresh produce is brought from the field, postharvest practices such as sizing and packaging are performed, and quality standards are monitored to meet the targeted market needs and requirements. Elhadi M. Yahia, *Postharvest Technology of Perishable Horticultural Commodities* (2019), *available at* https://www.sciencedirect.com/topics/agricultural-and-biological-sciences/packing-house.

- The term does not include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not mixed use, irrespective of how they are operated.

Local governments are prohibited from restricting the density[7] of a proposed development below the highest density currently allowed (or the highest allowed on July 1, 2023) on land within its jurisdiction where residential development is allowed[8] and may not restrict the floor area ratio[9] of a proposed development below 150 percent of the highest floor area ratio currently allowed (or the highest allowed on July 1, 2023) on land within its jurisdiction where residential development is allowed.[10]

Local governments are also prohibited from restricting the height of a proposed development below the highest height currently allowed (or the highest allowed on July 1, 2023) for a commercial or residential building located in its jurisdiction within one mile of the proposed development or three stories, whichever is higher.[11] However, a local government may restrict the height of a proposed development if:

- The proposed development is adjacent to, on two or more sides, a parcel zoned for single-family residential in a single-family residential development with at least 25 contiguous single-family homes, in which case the local government may restrict the height of the proposed development to 150 percent of the tallest building on any property adjacent to the proposed development, the highest height currently allowed (or the highest allowed on July 1, 2023) for the property provided in the local government's land development regulations, or three stories, whichever is higher, but not to exceed 10 stories;[12] or
- The proposed development is on a parcel with a contributing structure or building within a historic district listed in the National Register of Historic Places[13] (Register) before January 1, 2000, or is on a parcel with a structure or building individually listed in the Register, in which case a local government may restrict the height of the proposed development to the highest height currently allowed (or the highest allowed on July 1, 2023) for a commercial or residential building within three-fourths of a mile of the proposed development or 3 stories, whichever is higher.[14]

An application for a development authorized by the Live Local Act must be administratively approved without further action by the governing body of the local government or any quasi-judicial or administrative board or reviewing body, provided the development satisfies the local government's land development regulations for multifamily developments in areas zoned for such use and is otherwise consistent with the jurisdiction's comprehensive plan, with the exception of provisions establishing density, floor area ratios, height, and land use requirements.[15]

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[7] "Density" means an objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre. *See* s. 163.3164(12), F.S.

[8] Ss. 125.01055(7)(b) and 166.04151(7)(b), F.S.

[9] For purposes of these provisions, "floor area ratio" includes floor lot ratio and lot coverage. Ss. 125.01055(7)(c) and 166.04151(7)(c), F.S.

[10] Ss. 125.01055(7)(c) and 166.04151(7)(c), F.S.

[11] Ss. 125.01055(7)(d)1. and 166.04151(7)(d)1., F.S.

[12] Ss. 125.01055(7)(d)2. and 166.04151(7)(d)2., F.S.

[13] The National Register of Historic Places (Register) is the official list of the nation's historic places worthy of preservation. Authorized by the National Historic Preservation Act of 1966, the Register is maintained by the National Park Service (NPS) as a part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archeological resources. As of May 13, 2025, over 100,000 places have been listed in the Register for their significance in American history, art, architecture, engineering, and culture. *See* NPS, *What is the National Register of Historic Places?* https://www.nps.gov/subjects/nationalregister/index.htm (last visited Jan. 7, 206); s*ee also*, NPS, *National Register of Historic Places: Program Updates May 13, 2025*, https://www.nps.gov/subjects/nationalregister/program-updates.htm (last visited Jan. 7, 2026).

[14] Ss. 125.01055(7)(d)3. and 166.0415(7)(d)3., F.S.

[15] However, if a proposed development is on a parcel with a contributing structure or building within a historic district which was listed in the Register before January 1, 2000, or is on a parcel with a structure or building individually listed in the Register, the local government may administratively require the proposed development to comply with local regulations

Under the Live Local Act, local governments are required, upon request of an applicant, to reduce parking requirements for a proposed development by 15 percent if the development:

- Is located within one-quarter mile of a transit stop, as defined in the local government's land development code, and the transit stop is accessible from the development;
- Is located within one-half mile of a major transportation hub that is accessible from the proposed development by safe, pedestrian-friendly means, such as sidewalks, crosswalks, elevated pedestrian or bike paths, or other multimodal design features; or
- Has available parking within 600 feet of the proposed development, which may consist of options such as on-street parking, parking lots, or parking garages available for use by residents of the proposed development.[16]

The provisions of the Live Local Act described above do not apply to airport-impacted areas,[17] recreational and commercial waterfronts in industrial areas,[18] the Wekiva Study Area,[19] and the Everglades Protection Area.[20,21]

These provisions of the Live Local Act are effective until October 1, 2033.[22]

Florida Right to Farm Act

In response to the loss of farmland due to encroaching suburban sprawl, nuisance claims, and modern zoning, the Legislature enacted Florida's Right to Farm Act (Act) in 1979. The purpose of the Act was to provide more protection for commercial agriculture and farming operations from nuisance claims, and slow the rapid conversion of farmland to more compatible uses.[23]

The Legislature has determined that agricultural activities conducted on farm land in urbanizing areas are potentially subject to lawsuits based on the theory of nuisance and that these suits encourage or force the premature removal of the farm land from agricultural use. The Act seeks to protect reasonable agricultural and complementary agritourism activities conducted on farm land from nuisance suits and other similar lawsuits.[24]

The Act provides the following definitions:[25]

- Farm means the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm or aquaculture products.
- Farm operation means all conditions or activities by the owner, lessee, agent, independent contractor, or supplier which occur on a farm in connection with the production of farm, honeybee, or apiculture products or in connection with complementary agritourism activities. These conditions and activities include, but are not limited to, the marketing of farm products at roadside stands or farm markets; the operation of machinery and irrigation pumps; the generation of noise, odors, dust, fumes, and particle emissions; ground or aerial seeding and spraying; the placement and operation of an apiary; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; agritourism activities; and the employment and use of labor.

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relating to architectural design, such as façade replication, provided it does not affect height, floor area ratio, or density of the proposed development. Ss. 125.01055(7)(e) and 166.04151(7)(e), F.S.

[16] A local government, however, may not require that the available parking compensate for the reduction in parking requirements. Ss. 125.01055(7)(f)1. and 166.04151(7)(f)1., F.S.

[17] *See* s. 333.03, F.S.

[18] *See* s. 342.201(2)(b), F.S.

[19] *See* s. 369.316, F.S.

[20] *See* s. 373.4592(2), F.S.

[21] Ss. 125.01055(7)(o), F.S. and 166.04151(7)(o), F.S.

[22] Ss. 125.01055, F.S. and 166.04151(7)(p), F.S.

[23] Ch. 79-61, Laws of Fla.

[24] S. 823.14(2), F.S.

[25] S. 823.14(3), F.S.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Housing, Agriculture & Tourism Subcommittee	15 Y, 0 N, As CS	1/21/2026	Curtin	Wright
THE CHANGES ADOPTED BY THE COMMITTEE:	The amendment removes certain farming-related activities from the definitions of "industrial use" in the Live Local Act.			
Intergovernmental Affairs Subcommittee	13 Y, 3 N	2/12/2026	Darden	Burgess
Commerce Committee			Hamon	Wright

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.

A bill to be entitled

An act relating to affordable housing; amending ss. 125.01055 and 166.04151, F.S.; revising the definitions of certain land use categories for which certain residential development may be authorized to exclude farms and farm operations and uses associated therewith; revising the definition of the term "industrial use" to exclude certain facilities; providing an effective date.

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

Section 1. Paragraph (n) of subsection (7) of section 125.01055, Florida Statutes, is amended to read:

125.01055 Affordable housing.—

(7)

(n) As used in this subsection, the term:

1. "Commercial use" means activities associated with the sale, rental, or distribution of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as retail sales; wholesale sales; rentals of equipment, goods, or products; offices; restaurants; public lodging establishments as described in s. 509.242(1)(a); food service vendors; sports arenas; theaters; tourist attractions; and other for-profit business activities. A parcel

zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered commercial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include home-based businesses or cottage food operations undertaken on residential property;~~,~~ public lodging establishments as described in s. 509.242(1)(c); farms or farm operations as defined in s. 823.14(3) or uses associated therewith, including the packaging and sale of products raised on the premises;~~,~~ or uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not commercial use, irrespective of how they are operated.

2. "Industrial use" means activities associated with the manufacture, assembly, processing, or storage of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as automobile manufacturing or repair, boat manufacturing or repair, junk yards, ~~meat packing facilities, citrus processing and packing facilities, produce processing and packing facilities,~~ electrical generating plants, water treatment plants, sewage treatment plants, and solid waste disposal sites. A parcel zoned to permit such uses by right without the requirement to obtain a

variance or waiver is considered industrial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include farms or farm operations as defined in s. 823.14(3) or uses associated therewith, including the packaging and sale of products raised on the premises, or uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not industrial use, irrespective of how they are operated.

3. "Mixed use" means any use that combines multiple types of approved land uses from at least two of the residential use, commercial use, and industrial use categories. The term does not include farms or farm operations as defined in s. 823.14(3) or uses associated therewith, including the packaging and sale of products raised on the premises, or uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not mixed use, irrespective of how they are operated.

4. "Planned unit development" has the same meaning as provided in s. 163.3202(5)(b).

Section 2. Paragraph (n) of subsection (7) of section

166.04151, Florida Statutes, is amended to read:

166.04151 Affordable housing.—

(7)

(n) As used in this subsection, the term:

1. "Commercial use" means activities associated with the sale, rental, or distribution of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as retail sales; wholesale sales; rentals of equipment, goods, or products; offices; restaurants; public lodging establishments as described in s. 509.242(1)(a); food service vendors; sports arenas; theaters; tourist attractions; and other for-profit business activities. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered commercial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include home-based businesses or cottage food operations undertaken on residential property; ~~,~~ public lodging establishments as described in s. 509.242(1)(c); farms or farm operations as defined in s. 823.14(3) or uses associated therewith, including the packaging and sale of products raised on the premises; ~~,~~ or uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for

residential use are not commercial use, irrespective of how they are operated.

2. "Industrial use" means activities associated with the manufacture, assembly, processing, or storage of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as automobile manufacturing or repair, boat manufacturing or repair, junk yards, ~~meat packing facilities, citrus processing and packing facilities, produce processing and packing facilities,~~ electrical generating plants, water treatment plants, sewage treatment plants, and solid waste disposal sites. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered industrial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include farms or farm operations as defined in s. 823.14(3) or uses associated therewith, including the packaging and sale of products raised on the premises, or uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not industrial use, irrespective of how they are operated.

3. "Mixed use" means any use that combines multiple types of approved land uses from at least two of the residential use,

commercial use, and industrial use categories. The term does not include farms or farm operations as defined in s. 823.14(3) or uses associated therewith, including the packaging and sale of products raised on the premises, or uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not mixed use, irrespective of how they are operated.

4. "Planned unit development" has the same meaning as provided in s. 163.3202(5)(b).

Section 3. This act shall take effect July 1, 2026.

COMMERCE COMMITTEE

HB 837 by Rep. Busatta
Affordable Housing

AMENDMENT SUMMARY
February 18, 2026

Amendment #560863 by Rep. Busatta (Line 75): The amendment provides exceptions to the applicability of the Live Local Act for:

- Areas subject to land development regulations in existence before July 1, 2026, intended to retain the open character of land, including open space districts, open space recreation districts, open use estate districts, open use rural districts, and park and open space districts;
- Areas of critical state concern; and
- The Florida wildlife corridor.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	___ (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

Committee/Subcommittee hearing bill: Commerce Committee
Representative Busatta offered the following:

Amendment (with directory and title amendments)

Remove lines 75-136 and insert:

(o) This subsection does not apply to:

1. Airport-impacted areas as provided in s. 333.03.

2. Property defined as recreational and commercial working waterfront in s. 342.201(2)(b) in any area zoned as industrial.

3. The Wekiva Study Area, as described in s. 369.316.

4. The Everglades Protection Area, as defined in s. 373.4592(2).

5. Areas subject to land development regulations as defined in s. 163.3164(26) that are in existence before July 1, 2026, which are intended to retain the open character of land, including, but not limited to, open space districts, open space

recreation districts, open use estate districts, open use rural districts, and park and open space districts.

6. Any area of critical state concern, as designated in ss. 380.055, 380.0551, 380.0552, 380.0553, and 380.0555.

7. The Florida wildlife corridor, as defined in s. 259.1055(4).

Section 2. Paragraphs (n) and (o) of subsection (7) of section 166.04151, Florida Statutes, are amended to read:

166.04151 Affordable housing.—

(7)

(n) As used in this subsection, the term:

1. "Commercial use" means activities associated with the sale, rental, or distribution of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as retail sales; wholesale sales; rentals of equipment, goods, or products; offices; restaurants; public lodging establishments as described in s. 509.242(1)(a); food service vendors; sports arenas; theaters; tourist attractions; and other for-profit business activities. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered commercial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include home-based businesses or cottage food operations undertaken on residential property; ~~,~~ public lodging

establishments as described in s. 509.242(1)(c)<u>; farms or farm operations as defined in s. 823.14(3) or uses associated therewith, including the packaging and sale of products raised on the premises;</u> ~~,~~ or uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not commercial use, irrespective of how they are operated.

2. "Industrial use" means activities associated with the manufacture, assembly, processing, or storage of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as automobile manufacturing or repair, boat manufacturing or repair, junk yards, ~~meat packing facilities, citrus processing and packing facilities, produce processing and packing facilities,~~ electrical generating plants, water treatment plants, sewage treatment plants, and solid waste disposal sites. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered industrial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include <u>farms or farm operations as defined in s. 823.14(3) or uses associated therewith, including the packaging and sale of products raised on the premises, or</u> uses that are accessory,

ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not industrial use, irrespective of how they are operated.

3. "Mixed use" means any use that combines multiple types of approved land uses from at least two of the residential use, commercial use, and industrial use categories. The term does not include farms or farm operations as defined in s. 823.14(3) or uses associated therewith, including the packaging and sale of products raised on the premises, or uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not mixed use, irrespective of how they are operated.

4. "Planned unit development" has the same meaning as provided in s. 163.3202(5)(b).

(o) This subsection does not apply to:

1. Airport-impacted areas as provided in s. 333.03.

2. Property defined as recreational and commercial working waterfront in s. 342.201(2)(b) in any area zoned as industrial.

3. The Wekiva Study Area, as described in s. 369.316.

4. The Everglades Protection Area, as defined in s. 373.4592(2).

5. Areas subject to land development regulations as defined in s. 163.3164(26) that are in existence before July 1, 2026, which are intended to retain the open character of land, including, but not limited to, open space districts, open space recreation districts, open use estate districts, open use rural districts, and park and open space districts.

6. Any area of critical state concern, as designated in ss. 380.055, 380.0551, 380.0552, 380.0553, and 380.0555.

7. The Florida wildlife corridor, as defined in s. 259.1055(4).

D I R E C T O R Y A M E N D M E N T

Remove lines 13-14 and insert:

Section 1. Paragraphs (n) and (o) of subsection (7) of section 125.01055, Florida Statutes, are amended to read:

T I T L E A M E N D M E N T

Between lines 8 and 9, insert:

providing exceptions;

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: CS/HB 927	**COMPANION BILL:** CS/SB 1138 (Massullo)
TITLE: Local Land Planning and Development	**LINKED BILLS:** None
SPONSOR(S): Sapp	**RELATED BILLS:** None

Committee References

Intergovernmental Affairs
13 Y, 1 N, As CS
➤ Commerce ➤ State Affairs

SUMMARY

Effect of the Bill:
The bill requires each county and municipality to create a program to conduct pre-application reviews of plans, permits, or plats submitted as part of compliance with a local government's land development regulations. After completing a pre-application review on work in their respective field, a qualified contractor completes an affidavit that the work is in compliance with the local government's requirements, which is then reviewed by the local government. The bill requires each local government to establish a registry of qualified contractors and provides requirements for those contractors.

The bill also revises the process for the expedited approval of residential building permits prior to plat approval by expanding its applicability to planned unit developments and one or more phases of a community or subdivision and establishing procedures for when a local government has failed to establish an expedited permitting process.

Fiscal or Economic Impact:
The bill may have an indeterminate fiscal impact on local governments and a positive economic impact on developers.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

Qualified Contractors in Local Planning
The bill requires each county and municipality to create a program to enable qualified contractors to conduct pre-application reviews of plans, permits, or plats submitted as part of compliance with a local government's land development regulations. The program must specify:

- How contracts with qualified contractors are made.
- Minimum qualifications for being listed as a qualified contractor (e.g., valid professional credentials, no adverse licensing actions). A local government may not consider as criteria the contractor's years of experience, geographic location, or prior or existing work for or with the local government.
- Minimum and maximum hourly rate a qualified contractor may charge, comparable to market averages.
- Other procedural elements (intake, payment, records, notice) that do not to conflict with the bill's purpose. (Section 1)

Persons or firms who may be contracted by a local government to serve as qualified contractors in their respective field of expertise include engineers, surveyors or mappers, architects, landscape architects, certified planners, or employees of other local governments. (Section 1)

After completing a pre-application review on work in their respective field, a qualified contractor completes an affidavit that the work is compliance with the local government's requirements. The applicant submits this

affidavit as part of the application to the local government, which must accept the certification and approve or deny the permit within the existing timeframes established by law for that type of permit without further review. A denial must include written notice specifically identifying aspects not in compliance with law, regulations, ordinances, and codes, and the reasons the application was denied. (Section 1)

The bill requires each local government to establish a registry of qualified contractors containing at least three contractors for local governments with less than 10,000 residents and at least six contractors for all other local governments. If a local government is unable to identify this number of contractors after a reasonable effort, all willing and qualified individuals must be listed in the registry. If a local government does not establish a program or does not have a sufficient number of contractors registered, an applicant can choose to use any qualified contractor who meets the minimum qualifications established by the local government. (Section 1)

The bill sets out how contracts between a local government and a qualified contractor must be structured and places limits on what local governments may require. The bill requires that contracts with qualified contractors may only include terms that are authorized by the statute and that local governments may not add provisions that expand, modify, reduce, or limit the rights, processes, responsibilities, or procedures established by the bill. Local governments must ensure that the material terms of contracts with qualified contractors are the same as the terms applied in similar contracts with private sector contractors providing comparable services. Local governments may not require any additional criteria or qualifications for a qualified contractor beyond what the bill expressly allows. The bill allows local governments to require qualified contractors to carry appropriate insurance coverage that is commensurate with the estimated value, scope, and risk profile of the services to be performed under the contract, and must align with commercially reasonable standards for similar services. (Section 1)

The bill provides that payments to qualified contractors are made through the local government as part of the application process and that local governments must pay the qualified contractor within 30 days of the date services are provided. If an applicant does not use a qualified contractor and the local government fails to process the application within statutory timelines, the bill provides that the applicant may use a qualified contractor from the registry at the local government's expense. (Section 1)

A local government may establish a registration system for verifying whether a qualified contractor is in compliance with applicable licensure and insurance requirements related to their professional license. Beyond that, a local government is preempted from actions and policies inconsistent with or more stringent than the provisions of the bill. (Section 1)

A local government may not audit the preapplication review of a qualified contractor prior to creating the standard auditing procedures for internal review staff. The bill specifies that such procedures must specify the purpose, scope, and criteria used for the audit, a framework of procedures for the contractor to file an objection to an audit's findings, and a framework for documenting findings of areas of noncompliance. Audit results must be made publicly available and must be updated at least every 6 months. A qualified contractor may not be audited more than four times in a year unless the local government determines that a condition of an application constitutes an immediate threat to public safety and welfare. (Section 1)

The bill provides that local governments and building officials are immune from liability to any person or party for any action or inaction by an applicant or qualified contractor in connection with a preapplication review. A qualified contractor is considered an agent of the local government in determining state insurance coverage and sovereign immunity protection. (Section 1)

The bill provides for attorney fees and costs to be awarded to a prevailing plaintiff applicant who brings a civil action against a local government for violating these provisions. (Section 1)

Platting Approval

The bill prohibits local governments from creating or establishing any additional regulations or requirements that a platting applicant must meet for the approval of a final plat. Under the bill, local governments requiring

infrastructure assurances in connection with a final plat approval shall designate the same authority as the platting administrator to receive and approve the surety instrument, which may be any commonly used form of surety instrument, such as performance bonds, letters of credit, or escrow agreements. (Section 2)

Expedited Approval of Residential Building Permits Prior to Plat Approval

The bill expands the expedited building permit process for residential subdivisions or planned communities to include planned unit developments and one or more phases of a community or subdivision. (Section 3)

The bill also provides that if a county or municipality which was required to adopt a program for expedited building permit processing fails to do so by the applicable statutory deadline, the following requirements apply:

- The applicant shall have an unconditional right to use a qualified contractor of the applicant's choosing to obtain up to 75 percent of the building permits for development before the final plat is recorded.
- The local government may not condition, delay, limit, restrict, obstruct, or deny the applicant's use of a qualified contractor other than for reasons expressly provided by state law and the Florida Building Code (FBC).
- The qualified contractor may perform all services within the scope of his or her licensure and qualifications which are necessary or incidental to obtaining building permits. The local government is required to accept all documents from the qualified contractor in place of review by local government staff if the submission is properly prepared and sealed.
- The local government may not require the applicant or the qualified contractor to use a local government registry, rotation, shortlist, or other vetting process. (Section 3)

The above provisions apply until the local government adopts a program that meets the bill's requirements. Local governments, however, still have full authority to enforce the FBC, Fire Prevention Code, and other generally applicable state laws. (Section 3)

The bill requires the preliminary plat submitted under the two-step application process to include stabilized access roads for emergency vehicles. (Section 3)

The bill allows an applicant to use a qualified contractor to expedite the process for reviewing any plans necessary to support the approval of the site plan or plat. The bill requires local governments to establish, by October 1, 2026, a registry of at least six qualified contractors or, for local governments that serve a population of less than 10,000, a registry including no less than three qualified contractors. If a local government has failed to create a registry, the bill allows an applicant to retain a private provider or qualified contractor of their choosing. Approvals must be made by the local government in the same timeframe that would be applicable if local government staff or a qualified contractor on the registry reviewed the application. (Section 3)

The bill prohibits a local government from conditioning its issuance of building permits under the expedited approval process on the actual or substantial completion of infrastructure or improvements identified in the preliminary plat or on the submission and approval of any certification of completion, record drawings, pressure or compaction test results, utility acceptance letters, or similar confirmation of finished construction or readiness for service. This prohibition applies notwithstanding local ordinance, policy, development order, permit condition, concurrency or proportionate-share agreement, development agreement, interlocal agreement, utility policy, or any other local requirement. (Section 3)

The bill provides that applicant has a vested right in a preliminary plat under the program for five years, regardless of whether the applicant has taken action and incurred expenses in reliance on the preliminary plat. (Section 3)

The bill provides that the expedited building permit process provisions currently in law, and as amended by the bill, are an "express and exclusive" preemption to the state of those activities and that a local government may not create, adopt, enact, or implement the processes in a manner inconsistent with or more stringent than the statute. Additionally, a local government may not apply an ordinance or policy related to environmental protection or

natural resources that is substantially similar to, duplicative of, or more stringent than a state regulatory program. (Section 3)

The effective date of the bill is July 1, 2026. (Section 4)

FISCAL OR ECONOMIC IMPACT:

LOCAL GOVERNMENT:

Local governments may see an indeterminate negative fiscal impact in creating the required registry program within 3 months of the effective date of the bill, maintaining the registry, auditing qualified contractors, and amending processes to incorporate registered qualified contractors for certain functions, but may see long-term benefit from some amount of workload reduction due to the use of private contractors. A request for a formal analysis was submitted to the Department of Commerce on January 12, 2026.

As of April of 2025, only Liberty County and Lafayette County had populations of less than 10,000.[1] Accordingly, Liberty County and Lafayette County would need to establish a registry of at least three qualified contractors, as required by the bill. The county in Florida with the next highest population is Glades County, which has a population of 13,055, which would require Glades County to establish a registry of at least six qualified contractors, along with the other 64 counties in Florida.[2]

PRIVATE SECTOR:

Developers may benefit economically from greater efficiency and private options for various stages of development approval.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Comprehensive Planning

The Community Planning Act[3] provides counties and municipalities with the power to plan for future development by adopting comprehensive plans.[4] Each county and municipality must maintain a comprehensive plan to guide future development and growth.[5]

All development, both public and private, and all development orders approved by local governments must be consistent with the local government's comprehensive plan.[6] A comprehensive plan is intended to provide for the future use of land, which contemplates a gradual and ordered growth, and establishes a long-range maximum limit on the possible intensity of land use.[7]

A locality's comprehensive plan lays out the locations for future public facilities, including roads, water and sewer facilities, neighborhoods, parks, schools, and commercial and industrial developments.[8] A comprehensive plan is

[1] Florida Office of Economic and Demographic Research, *Florida's Population*, The Florida Legislature Econographic News (2025 Vol. I), available at https://edr.state.fl.us/Content/population-demographics/reports/econographicnews_2025_Volume1.pdf (last visited Feb. 13, 2026).
[2] *Id.*
[3] Ch. 163, Part II, F.S.
[4] S. 163.3167(1), F.S.
[5] S. 163.3167(2), F.S.
[6] S. 163.3194(1)(a), F.S.
[7] *See, e.g., Sarasota County, Fla. Comprehensive Plan, Future Land Use Element, FLU Policy 1.1.1* (last visited Feb. 2, 2026).
[8] S. 163.3177(1), F.S.

made up of 10 required elements, each laying out regulations for a different facet of development.[9] Local governments may also include optional elements in their comprehensive plan.[10] The 10 required elements are:

- Capital improvements.
- Future land use plan.
- Transportation.
- General sanitary sewer, solid waste, drainage, potable water and natural groundwater aquifer recharge.
- Conservation.
- Recreation and open space.
- Housing.
- Coastal management.
- Intergovernmental coordination.
- Property rights.[11]

Comprehensive plans must include at least two planning periods, one covering the first 10-year period occurring after the plan's adoption and one covering a period of at least 20 years.[12] Additional planning periods are permissible and accepted as part of the planning process.

Land Development Regulations

Comprehensive plans are implemented via land development regulations. Land development regulations are ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, sign regulations, or any other regulations controlling the development of land.[13]

Each county and municipality must adopt and enforce land development regulations consistent with and that implement its adopted comprehensive plan.[14] Local governments are encouraged to use innovative land development regulations[15] and may adopt measures for the purpose of increasing affordable housing using land use mechanisms.[16]

Development Permits and Orders

Florida law requires local governments to 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.[17] Local governments must make the minimum information available for inspection and copying at the location where the local government receives applications for development permits and orders, provide the minimum information to an applicant at a pre-application meeting, or post the minimum information on the local government's website.[18]

Within 5 business days of receiving an application for a development permit or order, local governments must confirm receipt of the application using contact information provided by the applicant.[19] Within 30 days of receiving an application for a development permit or order, the local government must review the application for completeness and issue a written notification to the applicant indicating that all required information is submitted

[9] S. 163.3177(6), F.S.
[10] S. 163.3177(1)(a), F.S.
[11] S. 163.3177(3), (6)(a)-(i), F.S.
[12] S. 163.3177(5)(a), F.S.
[13] S. 163.3164(26), F.S.
[14] S. 163.3202(1), F.S.
[15] S. 163.3202(3), F.S.
[16] Ss. 125.01055 and 166.04151, F.S.
[17] Ss. 125.022(1) and 166.033(1), F.S.
[18] *Id.*
[19] Ss. 125.022(2) and 166.033(2), F.S.

or specify in writing (with particularity) any areas that are deficient.[20] If an application is deemed deficient, the applicant has 30 days to address the deficiencies by submitting the required additional information.[21]

For applications for development permits or orders that do not require final action through a quasi-judicial hearing or public hearing, local governments must approve, approve with conditions, or deny such an application within 120 days of the local government's deeming the application complete.[22] For applications that require final action through a quasi-judicial hearing or a public hearing, local governments must approve, approve with conditions, or deny such an application within 180 days of the local government's deeming the application complete.[23]

Florida Building Code

Chapter 553, part IV, F.S., is known as the "Florida Building Codes Act." The purpose and intent of the Act is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.[24]

The Florida Building Commission (Commission) implements the Building Code. The Commission, which is housed within the Department of Business and Professional Regulation (DBPR), is a 19-member technical body made up of design professionals, contractors, and government experts in various disciplines covered by the Building Code. The Commission updates and adopts a new edition of the Building Code every three years.[25] The current edition of the Building Code is the eighth edition, which is referred to as the 2023 Building Code.[26]

It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdiction in protection of the public's health, safety, and welfare.[27]

Building Code Administrators, Inspectors, and Plans Examiners

Building officials, inspectors, and plans examiners are regulated by the Building Code Administrators and Inspectors Board within the DBPR.[28] A building code administrator, otherwise known as a building official, is a local government employee, or a person contracted by a local government, who supervises building code activities, including plans review, enforcement, and inspection.[29] A building code inspector (inspector) is a local or state government employee, or a person contracted by a local government, who inspects construction that requires permits to determine compliance with building codes and state accessibility laws.[30]

Building Permit

Every local government must enforce the Building Code and issue building permits.[31] A building permit is an official document or certificate issued by the local building official that authorizes performance of a specific activity.[32] It is unlawful for a person to construct, erect, alter, repair, secure, or demolish any building without first obtaining a building permit.[33]

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[20] *Id.*
[21] *Id.*
[22] *Id.*
[23] *Id.*
[24] S. 553.72(1), F.S.
[25] Ss. 553.73(7), and 553.74, F.S.
[26] ICC Digital Codes, *2023 Florida Building Code, Building, Eighth Edition* (last visited Feb. 2, 2026).
[27] S. 553.72, F.S.
[28] S. 468.605, F.S.
[29] S. 468.603(2), F.S.
[30] S. 468.603(4), F.S.
[31] Ss. 125.01(1)(bb), 125.56(1), and 553.80(1), F.S.
[32] *See* s. 468.603(2), F.S. and Florida Building Code (Building), Eighth Edition, s. 202.
[33] S. 553.79(1)(a), F.S.

To obtain a permit, an applicant must complete an application for the proposed work on the form furnished by the government entity.[34] A local enforcement agency[35] must allow applicants to submit permit applications electronically to the local enforcement agency, which must provide accepted methods of electronic submission. Accepted methods of electronic submission include, but are not limited to, email, fill-in forms available online, or third-party submission software.[36]

If a building official or plans reviewer denies a permit application or revokes a building permit, the building official or plans reviewer must give the permit applicant a reason for denying or revoking the permit.[37] The reason must be based on compliance with the building code or a local ordinance. Failing to provide a reason for denying or revoking a building permit, which is based on compliance with the building code or a local ordinance, is grounds for discipline against the building official or plans reviewer's license.[38]

Private Providers

Private providers and their duly authorized representatives are able to approve building plans and perform building code inspections as long as the plans approval and building inspections are within the scope of the provider's or representative's license.[39] A private provider must be licensed as a building official, engineer, or architect or be licensed as building inspector or plans examiner who perform inspections for additions and alterations that are limited to 1,000 square feet or less in residential buildings.[40]

A single-trade inspection is an inspection focused on a single construction trade, such as plumbing, mechanical, or electrical. The term includes, but is not limited to:

- Inspections of door or window replacements;
- Fences and block walls more than 6 feet high from the top of the wall to the bottom of the footing;
- Stucco or plastering;
- Reroofing with no structural alteration;
- HVAC replacements;
- Ductwork or fan replacements;
- Alteration or installation of wiring, lighting, and service panels;
- Water heater changeouts;
- Sink replacements; and
- Repiping.[41]

An owner or contractor must notify a local government that the owner or contract hired a private provider to perform building code inspection services. Such notice must be provided in writing at the time of permit application, or by 2 p.m. local time two business days before the first scheduled inspection by the local building official.[42]

After construction has commenced, and if the local building official is unable to provide inspection services in a timely manner, the owner or contractor may elect to use a private provider to provide inspection services by notifying the local building official by 2 p.m. local time two business days before the first scheduled inspection.[43]

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[34] S. 553.79(1)(b), F.S

[35] A "local enforcement agency" is an agency of local government, a local school board, a community college board of trustees, or a university board of trustees in the State University System with jurisdiction to make inspections of buildings and to enforce the building code. S. 553.71(5), F.S.

[36] Ss. 125.56(4)(b) and 553.79(1)(b), F.S.

[37] S. 553.79(1)(a), F.S.

[38] *Id*.

[39] S. 553.791, F.S.

[40] S. 553.791(1)(n), F.S.

[41] S. 553.791(1)(q), F.S.

[42] S. 553.791(4), F.S.

[43] S. 553.791(5), F.S.

For plans review, a private provider must review the plans[44] to determine compliance with the applicable codes[45] and prepare an affidavit certifying, under oath, that the plans comply, and the private provider is duly authorized to perform plans review.[46]

Upon receipt of a building permit application and the required affidavit from the private provider, a building official has 20 business days to issue the permit or provide written notice of the plan deficiencies or 5 business days for a single-trade plans review for a single-family or two-family dwelling.[47] If the local building official does not provide written notice of plan deficiencies within the prescribed period, the permit application shall be deemed approved and must be issued on the next business day.[48]

Platting

A "plat" is a map or detailed representation of the subdivision of lands, providing a complete and precise depiction of the subdivision, along with other information that complies with all applicable state requirements and local ordinances.[49] Platting ensures that when subdividing property into lots, all streets, alleys, easements, rights-of-way, public areas, utilities, and sewer and stormwater improvements are identified.[50]

While state laws provide minimum requirements for the platting of lands, local governments may adopt additional requirements.[51] Prior to approval by the appropriate governing body, the plat must be reviewed for conformity with state and local laws and be sealed by a professional surveyor and mapper who is either employed by or under contract to the local governing body.[52]

Plats must be administratively approved by a county or municipality if the plat meets the requirements for recording.[53] Each local government is responsible for designating an administrative authority to receive, review, and process plat submittals, including an official responsible for approving, approving with conditions, or denying a proposed plat. When a proposal for a plat is submitted, the administrative authority must provide written notice of receipt to the applicant within seven business days and identify any missing documents or information that would be necessary to process the application.[54] The written notice must include the local government's timeframe for reviewing, approving, and otherwise processing plat applications. Unless the applicant requires an extension of time, the administrative authority must approve, approve with conditions, or deny the plat submittal with a written notice.[55] If the application is denied, the written notice must identify all areas of noncompliance and include specific citations to each requirement the application fails to meet.

If the application is approved, the approval must be placed on the plat before it is offered to the clerk of the circuit court for recording.[56]

The authority for plat approval is designated as follows:

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[44] "Plans" means building plans, site engineering plans, or site plans, or their functional equivalent, submitted by a fee owner or fee owner's contractor to a private provider or duly authorized representative for review. S. 553.791(1)(m), F.S.
[45] "Applicable codes" means the Florida Building Code (FBC) and any local technical amendments to the FBC but does not include the applicable minimum fire prevention and fire safety codes adopted pursuant to ch. 633, F.S. S. 553.791(1)(a), F.S.
[46] S. 553.791(6), F.S.
[47] S. 553.791(7)(a), F.S.
[48] *Id.*
[49] S. 177.031(14), F.S.
[50] S. 177.091, F.S.; Clark, Campbell, Lancaster, Workman, and Airth, P.A, *The Basics of Platting Property* (May 28, 2020) (last visited Feb. 2, 2026).
[51] S. 177.011, F.S.
[52] S. 177.081(1), F.S.
[53] S. 177.071(1), F.S.
[54] S. 177.071(2), F.S.
[55] S. 177.071(3), F.S.
[56] S. 177.071(4), F.S.

- When the plat to be submitted for approval is located wholly within the boundaries of a municipality, the municipality has exclusive jurisdiction to approve the plat.
- When a plat lies wholly within the unincorporated areas of a county, the county has exclusive jurisdiction to approve the plat.
- When a plat lies within the boundaries of more than one governing body, two plats must be prepared and each county or municipality has exclusive jurisdiction to approve the plat within its boundaries, unless each county or municipality agrees that one plat is mutually acceptable.[57]

Every plat of a subdivision offered for recording must contain certain information, including:

- The name of the plat in bold legible letters, and the name of the subdivision, professional surveyor and mapper or legal entity, and street and mailing address on each sheet.
- The section, township, and range immediately under the name of the plat on each sheet included, along with the name of the city, town, village, county, and state in which the land being platted is situated.
- The dedications and approvals by the surveyor and mapper and local governing body, and the circuit court clerk's certificate and the professional surveyor and mapper's seal and statement.
- All section lines and quarter section lines occurring within the subdivision. If the description is by metes and bounds, all information called for, such as the point of commencement, course bearings and distances, and the point of beginning. If the platted lands are in a land grant or are not included in the subdivision of government surveys, then the boundaries are to be defined by metes and bounds and courses.
- Location, width, and names of all streets, waterways, or other rights-of-way.
- Location and width of proposed easements and existing easements identified in the title opinion or property information report must be shown on the plat or in the notes or legend, and their intended use.
- All lots numbered either by progressive numbers or, if in blocks, progressively numbered in each block, and the blocks progressively numbered or lettered, except that blocks in numbered additions bearing the same name may be numbered consecutively throughout the several additions.
- Sufficient survey data to positively describe the bounds of every lot, block, street easement, and all other areas shown on the plat.
- Designated park and recreation parcels.
- All interior excepted parcels clearly indicated and labeled "Not a part of this plat."
- The purpose of all areas dedicated clearly indicated or stated on the plat.
- All platted utility easements, which must provide that such easements are also easements for the construction, installation, maintenance, and operation of cable television services; provided, however, no such construction, installation, maintenance, and operation of cable television services interferes with the facilities and services of an electric, telephone, gas, or other public utility.[58]

Many local governments have a process to approve *a preliminary plat* before approving a final plat, and once a preliminary plat is approved, a developer may be allowed to commence construction before the final plat is approved. Generally, a preliminary plat is a technical, graphic representation of a proposed development, including plans for streets, utilities, drainage, easements, and lot lines, for a proposed subdivision. If a preliminary plat is required, it is generally a prerequisite for a final plat approval and the submission of any property improvement plans or permit applications.[59] For example, the City of Jacksonville, the Village of Royal Palm Beach, and the City of Tallahassee allow for a preliminary plat approval process.[60]

The fee to have a plat approved differs between local governments. For instance:

- The City of Orlando charges either $1,200 or $3,000, depending on the type of plat being submitted.[61]

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[57] *Id.*
[58] S. 177.091, F.S.
[59] *See e.g.,* City of Zephyrhills Code of Ordinances Art. XI, Part 11.03.00, s. 11.03.02.01.
[60] City of Jacksonville Code of Ordinances s. 654-109, Village of Royal Palm Beach Code of Ordinances s. 22-22, City of Tallahassee Code of Ordinances s. 9-92.
[61] City of Orlando, *Fees—Commercial Development* (last visited Feb. 2, 2026).

- Madison County charges either $1500, $1700, or $2000, depending on whether it is a preliminary or final plat and whether improvements are required; additionally, Madison County charges a $50 fee per lot, along with consultant fees.[62]

Once a final plat is approved, it is submitted to the clerk of the circuit court for recording.[63]

In 2025,[64] the Legislature strengthened the plat review process by requiring local governments to:

- Administratively approve plat or replat submissions, with no further action by the local government, if the submittal complies with statutory requirements;
- Designate an administrative authority to receive, process, and review the plat or replat submittal; and
- Within 7 business days of receiving a submission, provide written notice to the applicant acknowledging receipt of the submittal, identifying any deficiencies, and providing timeframes for reviewing, approving, and otherwise processing the plat or replat submittal.[65]

Expedited Approval of Residential Building Permits Prior to Plat Approval

Counties and municipalities that meet certain population thresholds that have at least 25 acres of contiguous land that is designated in its comprehensive plan and future land use map as land that is agricultural or to be developed for residential purposes are required to develop a program for the expediated issuance of building permits for residential subdivisions or planned communities before a final plat is recorded with the clerk of the circuit court.[66]

As part of this process, each county and municipality subject to the requirements much create:

- A two-step application process for the adoption of a preliminary plat, inclusive of any plans, in order to expedite the issuance of building permits related to such plats.
- A master building permit process consistent with existing master building permit application requirements for applicants seeking multiple building permits for residential subdivisions or planned communities, with the master building permits issued being valid for the earlier of three consecutive years after issuance or until the adopting of a new Building Code.[67]

The expedited process must include an application for an applicant to identify up to 50 percent of planned homes, or the number of building permits, that the governing body must issue for the residential subdivision or planned community, increasing to 75 percent on December 31, 2027.[68] The local government is required to issue these building permits to the applicant, provided that the residential buildings or structures are unoccupied and all of the following conditions are met:

- The governing body has approved a preliminary plat for each residential subdivision or planned community.
- 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.
- The applicant holds a valid performance bond for up to 130 percent of the necessary improvements that have not been completed upon submission of the application. For purposes of a master planned community, a valid performance bond is required on a phase-by-phase basis.[69]

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[62] Madison County, *Planning & Zoning Fees*, Madison County Resolution No. 2016-09-14A. (last visited Feb. 2, 2026).
[63] *See* s. 177.073(1)(b), F.S.
[64] *See* ch. 2025-164.
[65] S. 177.01, F.S.
[66] S. 177.073(2)(a), F.S. This requirement applies to counties with at least 75,000 residents and municipalities with at least 10,000 residents, excluding Monroe County and municipalities therein.
[67] S. 177.073(3), F.S.
[68] S. 177.073(2)(a), (c), F.S.
[69] S. 177.073(6), F.S.

Applicants are allowed to use a private provider to expedite the application process and each local government required to create a program must establish a registry of at least three qualified contractors who the governing body may use to supplement staff resources, as 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.[70] A qualified contractor on the registry who is hired 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.

Applicants are prohibited from transferring ownership of a residential structure or building constructed pursuant to this process and from receiving a temporary or final certificate of occupancy, until the final plat has been approved by the governing body and recorded in the public records by the clerk of the circuit court.[71]

Applicants gain a vested right in a preliminary plat that has been approved by a governing body if all of the following conditions are met:

- The applicant relies in good faith on the approved preliminary plat or any amendments thereto.
- 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.[72]

Once the applicant's vested rights are established, a governing body of a county or municipality may not make substantive changes to the preliminary plat without the applicant's written consent.[73]

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Intergovernmental Affairs Subcommittee	13 Y, 1 N, As CS	2/5/2026	Darden	Darden
THE CHANGES ADOPTED BY THE COMMITTEE:	• Provided additional definitions. • Removed provisions relating to a model ordinance. • Revised process for the creation of the registry of qualified contractors. • Clarified when an applicant may use a private provider for review of a permit related to the expedited approval procedure of residential building permits. • Prohibited local governments from conditioning its issuance of building permits on specified actions by the applicant.			
Commerce Committee			Hamon	Fletcher
State Affairs Committee				

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.

[70] S. 177.073(4), F.S.
[71] S. 177.074(7)(a), F.S.
[72] S. 177.073(8), F.S. *See also Monroe Cnty. v. Ambrose*, 866 So.2d 707, 710 (Fla. 3rd DCA 2003).
[73] S. 177.073(9), F.S.

A bill to be entitled

An act relating to local land planning and development; creating s. 163.3169, F.S.; providing legislative findings; defining terms; requiring the governing body of a local government, by a specified date, to create a program that authorizes an applicant to use a qualified contractor to conduct preapplication review of an application; requiring the governing body to establish certain processes; providing specifications for such program; providing that the program must require a local government to approve an application upon the applicant's submittal of the application with an affidavit verifying certain information; requiring the local government to approve the application in a specified timeframe; prohibiting the development services office of a local government from conducting any additional review of certain documents that were subject to preapplication review; providing an exception; prohibiting a local government from enacting certain requirements that would regulate an applicant's ability to use and otherwise interact with a qualified contractor pursuant to the program; providing an exception; requiring the development services office of a local government to establish a registry of a specified number of qualified

contractors to be used to conduct preapplication reviews; prohibiting the development services office from adding a qualified contractor or a firm to the registry upon such entity's request under certain conditions; authorizing the development services office of a local government to register less than the specified number of qualified contractors under certain circumstances; authorizing a local government to enter into an agreement with a neighboring local government under certain circumstances; prohibiting a local government from adding its own employees to the registry; authorizing an applicant to use a qualified contractor of his or her choosing to perform the preapplication review under certain circumstances; requiring the governing body of the local government receiving such application to accept and process the application without undue conditioning, denial, or delay; providing an exception; specifying requirements for contracts between a local government and a qualified contractor pursuant to this act; requiring a local government to apply the same material terms for certain contract provisions to contracts with qualified contractors as it does in materially similar contracts; requiring local government contracts with qualified contractors to be as favorable and as

stringent as contracts with private contractors performing comparable services; prohibiting a local government from enforcing any additional criteria for qualified contractors beyond what is authorized by the act; nullifying any such criteria; specifying requirements for contracts entered into with qualified contractors; specifying minimum insurance requirements for qualified contractors; providing construction; providing severability; authorizing an applicant to select a qualified contractor or firm from the registry; prohibiting the applicant from directly paying the qualified contractor; requiring such payments be made to the local government; requiring the local government to pay the qualified contractor within a specified timeframe; requiring a local government to reduce an application fee under certain circumstances; specifying requirements for the calculation of such fee reduction; prohibiting a local government from imposing a surcharge, but authorizing the charge of an administrative fee for the use of a qualified contractor to conduct preapplication review; specifying requirements for such administrative fee; requiring any fee collected to be based on costs actually incurred pursuant to preapplication review; requiring the development services office of a local

government to provide a qualified contractor with equal access to resources; requiring the development services office to protect against the disclosure of confidential records; requiring a local government to process an application in a specified timeframe if an applicant does not use a qualified contractor for preapplication review; authorizing an applicant to use a qualified contractor at the sole expense of the local government under certain circumstances; providing for the automatic approval of applications under certain circumstances; requiring a qualified contractor to conduct a preapplication review for only the disciplines the qualified contractor is licensed or certified; prohibiting a qualified contractor from conducting preapplication review under certain circumstances; requiring a qualified contractor to determine whether the application is in compliance with certain regulations and to work with the applicant to resolve deficiencies; requiring a qualified contractor to submit an affidavit to the development services offices certifying certain information upon a determination that the application complies with certain provisions; specifying requirements for such affidavit; requiring the development services office to approve or deny an

application upon receipt; specifying requirements for the development services office if an application is denied; providing construction; prohibiting a development services office or local government from authorizing any law or provision that has the effect of modifying, impairing, or nullifying the act; prohibiting a local government from relying on any law or provision that regulates this act; authorizing a local government to establish a registration system to verify whether a qualified contractor or related entity is in compliance with certain requirements; providing preemption; providing that qualified contractors are subject to certain disciplinary guidelines; requiring that any complaint investigation or discipline that may arise out of a qualified contractor's preapplication review be conducted by a certain professional board; prohibiting a development services office or local government from auditing a qualified contractor's preapplication review until such entity creates standard auditing procedures; specifying requirements for such procedures; requiring that such audit procedures be publicly accessible; requiring that the results of such audit be made publicly available and updated on a specified basis; providing a limit on audit frequency; providing an

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

by a specified date; providing construction; requiring a governing body to create a two-step application process under certain circumstances; revising requirements for such application process; authorizing an applicant to use a qualified contractor for land use approvals under certain circumstances; authorizing an applicant to retain a private provider or qualified contractor to process, review, and expedite an application for a preliminary plat or related plans under certain circumstances; defining "conflict of interest"; requiring an applicant to replace a qualified contractor or private provider if a conflict of interest is discovered; prohibiting a governing body from restricting an applicant's use of a private provider or qualified contractor under certain circumstances; requiring a governing body to treat documents submitted by a private provider or an applicant in the same manner as they treat other documents submitted by certain individuals; authorizing a governing body to take certain actions; prohibiting a governing body from imposing certain requirements; requiring an applicant to be responsible for certain fees and costs; voiding and preempting conflicting provisions; defining the term "approved plans"; providing construction; prohibiting a local

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

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

Section 1. Section 163.3169, Florida Statutes, is created

to read:

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

(1) LEGISLATIVE FINDINGS.—

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

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

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

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

this section.

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

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

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

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 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" means ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations, or any other regulations controlling the development of land.

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

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

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

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

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

(n) "Qualified contractor" means the individual or firm contracted with a development services office or local government to conduct a preapplication review, and who is included in the registry as required by 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.

6. A local government employee.

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

(3) REQUIREMENTS.—

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

1. The manner in which the development services office

enters into a contract with a qualified contractor.

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

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

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

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

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

(4) REGISTRY.—

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

request to be added to the registry.

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

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

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

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

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

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

(4).

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

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

(6) CONTRACT TERMS; UNIFORMITY; INSURANCE.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) RESTRICTIONS ON PREAPPLICATION REVIEW.—A qualified

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

(9) AFFIDAVIT REQUIREMENTS.—

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

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

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

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

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

(10) AUTHORIZATION AND APPROVAL.—

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

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

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

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

(11) CONSTRUCTION.—

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

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

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

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

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

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

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

(13) AUDIT PROCEDURES.—

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

1. The purpose and scope of the audit.

2. The audit criteria.

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

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

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

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

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

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

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

(16) CIVIL ACTIONS AUTHORIZED.—

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

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

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

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

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

authorization or approval request within 14 days.

Section 2. Paragraph (c) is 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) The local government may not create or establish any additional regulations or requirements that the applicant must meet for the approval of a final plat. Local governments requiring infrastructure assurances in connection with a final plat approval shall designate the same administrative authority as designated in paragraph (a) to receive and administratively approve or accept the surety instrument. The local government shall accept all commonly used forms of surety instruments or alternative forms of financial assurances, including, but not limited to, performance bonds, letters of credit, escrow agreements, or cash escrow with the county.

Section 3. 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, paragraph (d) is added to subsection (2), and subsection (11) is added to that section, to read:

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

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

(a) "Applicant" means a homebuilder or developer who 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, planned unit development, or one or more phases in a multi-phased 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, planned unit developments, one or more phases of a community or 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 subsection (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, planned unit development, 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) If a governing body fails to adopt a program under paragraph (2)(a) or paragraph (2)(c), or fails to update or modify an existing program as required under paragraph (2)(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:

1. The applicant shall have an unconditional, self-executing right to use a qualified contractor of the applicant's choosing to obtain up to 75 percent of the building permits for the residential subdivision, planned unit development, 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 with the applicant. For the purpose of this paragraph, "conflict of interest" has the same meaning as in s. 112.312.

2. 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, including by imposing any application, review, approval, staffing, procurement, qualification, preapproval, or selection requirements on the qualified contractor other than those expressly required by state law and the Florida Building Code. Any ordinance, resolution, policy, practice, contract, or requirement to the contrary is preempted and void to the extent of the conflict with this paragraph.

3. The qualified contractor may perform all services within the scope of his or her licensure and qualifications which are necessary or incidental to obtaining such building permits, 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 shall 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 shall review and issue the permits in accordance with the Florida Building Code and applicable state law.

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

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

6. This paragraph does not 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 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, planned unit development, or one or more phases of a multi-phased planned community or subdivision.

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

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

(b) A governing body shall establish a registry of at least six ~~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.

(c) If a governing body fails to establish or maintain the registry required under paragraph (b), an applicant may, at its sole discretion, retain a private provider or qualified contractor of the applicant's choosing to process, review, and expedite any application for a preliminary plat, or any plans related to such application, provided that the selected private provider or qualified contractor does 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. If a conflict of interest is identified after selection, the applicant must promptly replace the private

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

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

(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, "approved plans" means plans approved for design and permit review and does not include, and may not be construed to require or imply, any certification, attestation, or confirmation of the completion of construction of any subdivision or planned community infrastructure, or improvements depicted in, referenced by, or required under such plans, except for the construction of the minimum access and roadway improvements required by the Florida Fire Prevention Code for fire department access and operations, such as a stabilized roadway for emergency access. No other subdivision or planned community infrastructure or improvements may be required to be constructed as a condition of permit issuance or approval.

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

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

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

but not limited to, certificates of completion, 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.

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

3. This paragraph does not 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.

(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 bonding 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.

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

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

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

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

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

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

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

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

COMMERCE COMMITTEE

CS/HB 927 by Rep. Sapp
Local Land Planning and Development

AMENDMENT SUMMARY
February 18, 2026

Amendment #491751 by Rep. Sapp (Strike-all):

- Specifies that the requirement for certain local governments to create a qualified contractors program begins January 1, 2027, rather than October 1, 2026;
- Specifies that qualified contractors are not authorized to review land use matters that are discretionary or quasi-judicial in nature;
- Exempts counties with populations of less than 25,000 and municipalities with populations of less than 10,000 from the requirement to create a qualified contractor program;
- Allows local governments to consider the number of years' experience of potential qualified contractors;
- Provides that a qualified contractor's certification of an application as ***administratively complete*** does not constitute substantive approval of the permit submitted;
- Broadens the authority of a local government to audit a qualified contractor;
- Removes the provision that granted sovereign immunity to qualified contractors, and the provision that expanded the expedited approval process for certain residential building permits to planned unit developments; and
- Eliminates the state preemption over activities related to the expedited approval process for residential building permits before a final plat is recorded.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	____	(Y/N)
ADOPTED AS AMENDED	____	(Y/N)
ADOPTED W/O OBJECTION	____	(Y/N)
FAILED TO ADOPT	____	(Y/N)
WITHDRAWN	____	(Y/N)
OTHER		

Committee/Subcommittee hearing bill: Commerce Committee
Representative Sapp offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

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

163.3169 Using qualified contractors in development order preapplication review.—

(1) LEGISLATIVE FINDINGS.—

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

(b) The Legislature further recognizes that numerous local governments implement innovative planning and development

strategies by using the private sector to supplement the needs of government and to keep pace with increasing populations, unmet demands for housing, and continuing budget constraints. To continue meeting future growth demands, all local governments shall use all available resources to ensure that private property owners seeking to build or develop the next generation of this state's housing supply are not burdened by limited local government workforces and can by right use a qualified contractor from the private sector to responsibly review applications as submitted and authorized under this section.

(2) 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, that 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) "Audit" means a limited, post-submittal verification process conducted solely to confirm that a qualified contractor's preapplication review supports the findings in the required affidavit, demonstrate that the review was performed in

accordance with the normal and customary professional practices for the applicable discipline, and ensure that the affidavit's findings are supported by the application.

(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 25,000 or more residents, but does not include a county subject to s. 380.0552;

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

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

(j) "Permit" means an authorization, approval, or grant by a local governing body or development services office that authorizes the development of land as set forth therein for any subdivision approval, plat approval, or site plan approval. For the purposes of this section, a permit does not include the review and approval of discretionary land use decisions, such as rezonings, variances, special exceptions, conditional uses, comprehensive plan amendments, or any other quasi-judicial land use approval requiring a public hearing or findings supported by competent substantial evidence.

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

(l) "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.

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

(n) "Qualified contractor" means the individual or firm contracted with a development services office or local government to conduct a preapplication review, and who is included in the registry as required by 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.

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

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

(3) REQUIREMENTS.—

(a) By January 1, 2027, the governing body of a local government shall create a program by which a development services office shall authorize an applicant to use a qualified contractor to conduct a preapplication review of any permits submitted in an application. The governing body shall establish the processes by which an applicant may submit an application to the local government, following a preapplication review conducted by a qualified contractor. The program must specify, at a minimum, all of the following:

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

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

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

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

(b) Additional requirements may not conflict with or impair the intent of this section; may not add to, modify, limit, or condition the rights, duties, standards, scope, qualifications, or effects established by this section; and may not impose any substantive review criteria, terms, or conditions on applicants or qualified contractors.

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

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

(e) This section may not be construed to waive, limit, or otherwise affect any requirement of the Consultants' Competitive

Negotiation Act pursuant to s. 287.055 or a local government's duly adopted procurement process.

(4) REGISTRY.—

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

(b) If, after making reasonable efforts, less than six qualified contractors are available to be added to the registry, the development services office must register any willing and available qualified contractor that meets the requirements of subparagraph (3)(a)2.

(c) The 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 complete the preapplication review. A local government may not add its own employees to its own registry.

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

private sector providers. A local government may not draft or apply contractual terms that impose obligations on qualified contractors which frustrate, impair, or defeat the legislative intent of this section.

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

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

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

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

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

(b) The local government may not condition, deny, delay, or otherwise contest the applicant's selection or use of the qualified contractor, except upon a written determination

supported by specific, articulable facts stating that the qualified contractor does not meet the requirements of this section, or that the qualified contractor has a conflict of interest with the applicant, as defined in s. 112.312, or under any stricter conflict of interest standards applicable to the qualified contractor's professional license or certification.

(6) PAYMENT, FEES, AND PREAPPLICATION REVIEW.—

(a) The applicant shall have sole discretion to choose a qualified contractor from the established registry under subsection (4) to conduct a preapplication review of a permit. The applicant may not pay the qualified contractor directly. Such payment must be made to the local government with the initial submission of the application. The local government must ensure the qualified contractor is paid in compliance with the Local Government Prompt Payment Act under part VII of chapter 218.

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

for payment of the qualified contractor's fees as required in paragraph (a). Any application or administrative fee imposed under this section must be reasonably related to the actual cost incurred by the local government in administering the application and processing.

(c) If an applicant uses a qualified contractor to conduct a preapplication review, the development services office must provide the qualified contractor with access to the public records and information reasonably necessary to perform the preapplication review. 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.

(d)1. If an applicant does not use a qualified contractor pursuant to this section, the local government must conduct any requested preapplication review within the applicable timeframes under ss. 125.022 and 166.033, to the extent those sections apply to the type of preapplication review requested. If the local government fails to process the application within the required timeframes, the applicant may use a qualified contractor from the registry at the sole expense of the local government if the qualified contractor does not have a conflict

of interest in reviewing the permits, plans, or plats, including final and preliminary, subject to the preapplication review and otherwise meets the requirements of this section.

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

(7) RESTRICTIONS ON PREAPPLICATION REVIEW.—A qualified contractor may conduct preapplication review only for applications relating to the disciplines covered by such qualified contractor's licensure or certification granted pursuant to chapter 471, chapter 472, or chapter 481, or as certified by the American Institute of Certified Planners, including single-trade review. A qualified contractor may not conduct a preapplication review pursuant to this section if the qualified contractor is used by the applicant for the same project that is the subject of the application, or has a conflict of interest pursuant to s. 112.312.

(8) AFFIDAVIT REQUIREMENTS.—

(a) A qualified contractor performing a preapplication review must determine whether the application is in compliance with all applicable land development regulations, comprehensive plan regulations, ordinances, and codes of the governing jurisdiction. The qualified contractor shall work directly with

the applicant to resolve any deficiencies. Upon making the determination that the application complies with all relevant land development regulations, comprehensive plan regulations, ordinances, and codes, the qualified contractor shall prepare an affidavit certifying that the following information is true and correct to the best of the qualified contractor's knowledge and belief:

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

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

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

(9) AUTHORIZATION AND APPROVAL.—

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

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

(c) If the development services office determines that an application submitted pursuant to this subsection is administratively incomplete, the office must provide written notice to the applicant specifically identifying any aspects of the application which do not comply with this section; applicable land development regulations; or comprehensive plan regulations, ordinances, or codes, and the reasons the application was denied with reference to code chapters and sections, within 10 business days after receipt of the application and affidavit. If the development services office does not provide written notice to the permit applicant within 10 business days, the application shall be deemed administratively complete as a matter of law solely for purposes of acceptance, routing, and processing, and the development services office must, by the following business day, forward the application for final action to the appropriate approving authority or, if the development services office is the approving authority, proceed to final action in accordance with

this section and ss. 125.022 and 166.033. An application determined to be administratively complete under this paragraph does not constitute substantive approval of the permit submitted and may not be construed to limit the authority to grant or deny the application consistent with this section; however, the development services office may not conduct any duplicative review of the permit subject to preapplication review except as expressly authorized by this section.

(d) The development services office's review under this subsection is ministerial and limited to confirming administrative completeness and proper form. The development services office may not re-review the technical sufficiency or substantive compliance of materials subject to preapplication review by a qualified contractor, except as expressly authorized by this section or by law.

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

(11) DISCIPLINARY GUIDANCE.—When performing a preapplication review, a qualified contractor is subject to the disciplinary guidelines of the applicable professional board

with jurisdiction over his or her license or certification under chapter 471, chapter 472, or chapter 481. Notwithstanding the audit procedures in subsection (12), any complaint investigation or discipline that may arise out of a qualified contractor's preapplication review shall be conducted by the applicable professional board. Complaints regarding conflicts of interest or other ethical violations shall be reviewed as provided in chapter 112.

(12) AUDIT PROCEDURES.—A local government may audit the work of a qualified contractor performing preapplication review under this section pursuant to procedures established by the local government. Such procedures must be reasonable, applied in a nondiscriminatory manner, and made publicly available. A qualified contractor must be provided written notice of any audit findings and a reasonable opportunity to respond. Nothing in this subsection limits a local government's authority to enforce contract terms, address conflicts of interest, remove a qualified contractor from participation in the program, or take action necessary to protect the public health, safety, or welfare. An audit under this section may not replicate, redo, or substitute for the preapplication review performed by the qualified contractor and may not go beyond the scope of verifying performance, customary practice, and evidentiary support, unless expressly authorized by this section.

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

(14) CIVIL ACTIONS AUTHORIZED.—

(a) An applicant may bring a civil action for declaratory or injunctive relief against a county or municipality for a violation of this section. In any such action, the court shall award the prevailing party reasonable attorney fees and costs. For purposes of this paragraph, the term "prevailing party" means the party that obtains an enforceable judgment, order, or comparable court-sanctioned relief on the merits which materially alter the legal relationship of the parties in that party's favor, including the granting of declaratory or injunctive relief or the dismissal with prejudice of the opposing party's claims. The term does not include a party whose objectives are achieved solely by the voluntary cessation of challenged conduct absent a judicial determination or other relief bearing the court's imprimatur. If neither party prevails on the significant issues, or if both parties prevail in part, the court may determine that no party is the prevailing party and may equitably apportion fees and costs.

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

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

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

Section 2. Paragraph (c) is 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 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 that 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) shall 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 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 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 shall provide written notice of deficiencies within 10 business days.

Section 3. 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, one or more phases of a community or 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 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 subsection (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 shall have 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 s. 177.073, 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. Nothing in this paragraph prohibits 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 shall 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 shall review and issue the permits in accordance with the Florida Building Code and applicable state law. Nothing in this paragraph limits 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 any plans necessary to support the approval of a site plan, preliminary or final plat, or building permits after a preliminary plat is approved under this section.

(b) A governing body shall establish a registry of at least six ~~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.

(c) If a governing body fails to establish or maintain the registry required under paragraph (b), an applicant may, at its sole discretion, retain a private provider or qualified contractor of the applicant's choosing to process, review, and expedite any application for a preliminary plat, or supporting documents, provided that the selected private provider or qualified contractor does not have a conflict of interest. For purposes of this paragraph, the term "conflict of interest" has the same meaning as in s. 112.312. If a conflict of interest is identified after selection, the applicant must promptly replace the private provider or qualified contractor with one that does not have a conflict of interest, and the governing body must continue processing without delay or prejudice.

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

(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 permit issuance or approval.

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

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

b. The submission, acceptance, or approval of any certification of completion or similar documentation, including, but not limited to, certificates of completion, 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 that is not required by its land development regulations or by state law or federal law to obtain a building permit.

2. This prohibition applies notwithstanding any ordinance, resolution, policy, practice, development order, permit condition, concurrency or proportionate-share requirement, development agreement, 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.

(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 bonding 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 4. This act shall take effect July 1, 2026.

T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:
An act relating to local land planning and development; creating s. 163.3169, F.S.; providing legislative findings; defining terms; requiring the governing body of a local government, by a specified date, to create a program that authorizes an applicant to use a qualified contractor to conduct a preapplication review of an application; requiring the

governing body to establish certain processes; providing specifications for such program; prohibiting certain additional requirements; requiring a local government to deem an application that satisfies specified provisions administratively complete for certain purposes; prohibiting the program from imposing additional terms, conditions, or duplicative review processes; providing that the program may allow for the review of ownership authorizations for the development of the property; providing construction; requiring the development services office of a local government to establish a registry of a specified number of qualified contractors to conduct preapplication reviews; authorizing the development services office of a local government to register more or less than the specified number of qualified contractors under certain circumstances; authorizing a local government to enter into an agreement with another local government under certain circumstances; prohibiting a local government from adding its own employees to the registry; requiring a local government to use certain contract terms and conditions; prohibiting a local government from drafting or applying contractual terms that impose certain obligations on qualified contractors;

requiring an applicant to have the right to use a qualified contractor of his or her choosing to perform the preapplication review under certain circumstances; prohibiting a local government from conditioning, denying, delaying, or otherwise contesting an applicant's selection or use of a qualified contractor of his or her choosing, except upon a certain determination; providing that an applicant has sole discretion to choose a qualified contractor from the registry; specifying requirements for payment to the qualified contractor; requiring a local government to reduce any application fee by a certain amount if the applicant uses a qualified contractor for preapplication review; specifying requirements for such fee reduction; requiring fees to be reasonably related to certain actual costs; requiring a development services office to provide a qualified contractor conducting a preapplication review with access to certain resources; providing construction; requiring a local government to conduct a preapplication review within specified timeframes if the applicant does not use a qualified contractor; authorizing an applicant to use a qualified contractor from the registry, at the expense of the local government, if the local government fails to process

the application in the required time under certain conditions; providing for the automatic acceptance of certain applications; authorizing a qualified contractor to conduct preapplication reviews only of applications relating to the disciplines covered by the qualified contractor's licensure; prohibiting a qualified contractor from conducting a preapplication review under certain circumstances; requiring a qualified contractor to determine if an application is in compliance with specified regulations; requiring a qualified contractor to work with the applicant to resolve deficiencies; requiring a qualified contractor to prepare an affidavit for the preapplication review upon making a certain determination; specifying requirements for such affidavit; requiring the development services office to make a certain determination on the application upon receipt of such affidavit; requiring the development services office to take certain actions upon its determination; providing that an application determined to be administratively complete does not constitute substantive approval of the permit; providing construction; prohibiting the development services office from conducting duplicative review of the permit subject to preapplication review; specifying

the purpose of the development services office's review; prohibiting the development services office from re-reviewing materials subject to preapplication review; providing an exception; providing that inconsistent local provisions are preempted, void, and unenforceable; providing construction; providing disciplinary guidelines; authorizing a local government to audit the work of qualified contractors; specifying requirements for such auditing procedures; providing construction; authorizing specified entities to provide preapplication reviews for public works projects; authorizing a civil action; authorizing the award of attorney fees and costs; defining the term "prevailing party"; prohibiting the award of attorney fees, costs, or damages under certain circumstances; amending s. 177.071, F.S.; prohibiting local governments from creating, establishing, or applying specified additional regulations for the approval of a final plat; requiring a local government to designate a certain administrative authority to take certain actions relating to the approval of infrastructure assurances; requiring a local government to accept certain forms of surety instruments; providing requirements for local government review of such surety instruments; amending s. 177.073, F.S.;

revising the definition of the term "applicant"; requiring the governing body of certain local governments and counties to include multi-phased developments in a program that expedites the process for building permits for planned unit developments or phases of a community or subdivision; specifying automatic actions in the event that the local government fails to adopt, update, or modify a certain program by a specified date; providing construction; requiring a governing body to create a two-step application process for stabilized access to 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; increasing the number of qualified contractors on a specified registry; authorizing an applicant to retain a private provider or qualified contractor to process, review, and expedite an application for a preliminary plat or related plans under certain circumstances; defining the term "conflict of interest"; requiring an applicant to replace a qualified contractor or private provider if a conflict of interest is discovered; prohibiting a governing body from restricting an applicant's use of a private provider or qualified

contractor; requiring the governing body to accept, process, and act upon the such private provider's or qualified contractor's reviews, approvals, recommendations, or certifications under certain circumstances and in a specified manner; authorizing a governing body to take certain actions; prohibiting a governing body from imposing certain requirements; requiring an applicant to be responsible for certain fees and costs; voiding and preempting conflicting provisions; 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 certain bonding requirements under certain circumstances; revising the circumstances under which an applicant has a vested right in a preliminary plat; providing an effective date.

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: CS/HB 979	**COMPANION BILL:** CS/SB 1434 (Calatayud)
TITLE: Infill Redevelopment	**LINKED BILLS:** None
SPONSOR(S): Borrero	**RELATED BILLS:** None

Committee References

Intergovernmental Affairs
12 Y, 2 N, As CS
➤ Commerce ➤ State Affairs

SUMMARY

Effect of the Bill:
The bill creates the "Infill Redevelopment Act," which preempts certain local land development regulations and requires the administrative approval of certain proposed infill developments on environmentally impacted land in certain counties. The bill allows qualifying parcels to be developed for residential uses up to the average density allowed in any adjacent residential zoning district within the same jurisdiction. The bill requires a development that is adjacent to single-family homes and townhouses to include an open space buffer between existing residences and the new development.

The bill requires development projects that meet the requirements of the bill to be approved administratively and preempts local laws, ordinance, or regulations that apply, or have the effect of applying, a more restrictive or burdensome requirement or procedure for the development of a qualifying parcel. Local governments can continue to apply local architectural design regulations if those regulations are generally applicable to comparable residential development. The bill requires developers to comply with concurrency requirements before the issuance of any building permit for any project authorized under the bill.

Fiscal or Economic Impact:
The bill has an indeterminate impact on certain local governments.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill creates the "Infill Redevelopment Act," which preempts certain local land development regulations and requires the administrative approval of certain proposed infill developments on environmentally impacted land in certain counties. (Section 1)

The bill provides that a parcel qualifies for the provisions of the act if it:

- Consists of at least five acres;
- Is adjacent to a zoning district within the same jurisdiction that permits residential uses as of right;
- Is located in a county with a population of more than 1.475 million as of the most recent decennial census and with at least 15 municipalities; and
- Any portion of the parcel is "environmentally impacted," which the bill defines as:
  - Containing a detectable level of a containment or pollutant above the applicable local, state, or federal residential clean up levels;
  - A parcel that is, or prior to or concurrent with development, would be, subject to environmental cleanup or site rehabilitation requirements pursuant to chapters 376 and 403, F.S. or a local

environmental ordinance or regulation as a result of the presence of environmental containment or pollution in excess of applicable cleanup target levels; or
  - Located in a brownfield area. (Section 1)

The bill excludes parcels that are:
- Parcels of land that are within a zoning district that allows for agricultural uses and that are classified as agricultural by the property appraiser;
- Owned or operated by a local government for public park purposes;
- Outside of an urban growth boundary; or
- Within 0.25 miles of a military installation. (Section 1)

A local government must permit by administrative approval a qualifying parcel to be developed for residential uses up to the average density allowed in any adjacent zoning district within the same jurisdiction which permits residential uses as of right and to the intensity of any adjacent zoning district. The bill allows local governments to require the proposed development to comply with local regulations relating to architectural design, such as required color palettes or architectural style, if those regulations also apply to comparable residential development within the jurisdiction and do not affect the density or intensity of the proposed development. (Section 1)

The bill requires developers to establish consistency with applicable concurrency requirements before the issuance of a building permit for any project developed pursuant to the provisions of the bill. (Section 1)

The bill preempts any local law, ordinance, or regulation that applies, or has the effect of applying, a more restrictive or burdensome requirement or procedure to the development of a qualified parcel and any such law, ordinance, or regulation is void. The bill applies retroactively to any local law, ordinance, or regulation that is contrary to the bill. (Section 1)

The bill provides that if a qualifying parcel is adjacent to single-family homes or townhomes on all sides, the developer must provide an open space buffer of at least 20 feet, measured from the lot line, between the new development and the existing single-family homes or townhomes. (Section 1)

If a qualifying parcel includes recreational facilities or areas reserved for recreational use that are adjacent to single-family homes on all sides, the bill requires the developer to:
- Establish that the facilities or areas, or portions thereof, located on the parcel have not been in operation or use for at least 12 months;
- Pay the local government double the applicable parks or recreational facilities impact fee that would otherwise apply to the development; and
- Provide written notice to all owners of adjacent property by certified mail giving them the opportunity to purchase the parcel, or the portion of the parcel containing recreational facilities, within 90 days after the date the notice is mailed. If an adjacent property owner chooses to exercise this option, the purchased land must be subject to a deed restriction that the property be maintained as a recreation area for at least 30 years. The bill provides that the purchase price of these lands may not exceed the purchase price paid by the owner plus 10 percent or the amount of any bona fide offer to purchase the property received in the last 12 months plus 10 percent. (Section 1)

Each local government must post the procedures and expectations for administrative approval on its website. (Section 1)

The bill takes effect upon becoming a law. (Section 2)

FISCAL OR ECONOMIC IMPACT:

LOCAL GOVERNMENT:

The bill has an indeterminate impact on local governments in Miami-Dade County, Broward County, and Palm Beach County, as those are the only counties in Florida that have a population of more than 1.475 million as of the most recent decennial census and at least 15 municipalities, as specified by the bill.[1]

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Comprehensive Planning

The Community Planning Act[2] provides counties and municipalities with the power to plan for future development by adopting comprehensive plans.[3] Each county and municipality must maintain a comprehensive plan to guide future development and growth.[4]

All development, both public and private, and all development orders approved by local governments must be consistent with the local government's comprehensive plan.[5] A comprehensive plan is intended to provide for the future use of land, which contemplates a gradual and ordered growth, and establishes a long-range maximum limit on the possible intensity of land use.[6]

A locality's comprehensive plan lays out the locations for future public facilities, including roads, water and sewer facilities, neighborhoods, parks, schools, and commercial and industrial developments.[7] A comprehensive plan is made up of 10 required elements, each laying out regulations for a different facet of development.[8] Local governments may also include optional elements in their comprehensive plan.[9] The 10 required elements are:

- Capital improvements.
- Future land use plan.
- Transportation.
- General sanitary sewer, solid waste, drainage, potable water and natural groundwater aquifer recharge.
- Conservation.
- Recreation and open space.
- Housing.
- Coastal management.
- Intergovernmental coordination.
- Property rights.[10]

Comprehensive plans must include at least two planning periods, one covering the first 10-year period occurring after the plan's adoption and one covering a period of at least 20 years.[11] Additional planning periods are permissible and accepted as part of the planning process.

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[1] *See* U.S. Census Bureau, *2020 Census: Florida*, available at https://data.census.gov/profile?g=040XX00US12 (last visited Feb. 12, 2026). *See also*, Florida Office of Economic and Demographic Research, *Florida's Population*, The Florida Legislature Econographic News (2025 Vol. I), available at https://edr.state.fl.us/Content/population-demographics/reports/econographicnews_2025_Volume1.pdf (last visited Feb. 12, 2026).
[2] Ch. 163, Part II, F.S.
[3] S. 163.3167(1), F.S.
[4] S. 163.3167(2), F.S.
[5] S. 163.3194(1)(a), F.S.
[6] *See, e.g., Sarasota County, Fla. Comprehensive Plan, Future Land Use Element, FLU Policy 1.1.1* (last visited Feb. 13, 2026).
[7] S. 163.3177(1), F.S.
[8] S. 163.3177(6), F.S.
[9] S. 163.3177(1)(a), F.S.
[10] S. 163.3177(3), (6)(a)-(i), F.S.

Future Land Use Element

Comprehensive plans must include an element regarding future land use that designates the proposed future general distribution, location, and extent of the uses of land for a number of uses and categories of public and private uses of land.[12] Each future land use category must be defined in terms of uses included, and must include standards to be followed in the control and distribution of population densities and building and structure intensities.[13] The proposed distribution, location, and extent of the various categories of land use must be shown on a land use map or map series. Future land use plans and plan amendments are based on surveys, studies, and data regarding the area.[14]

A comprehensive plan's future land use element establishes a range of allowable uses and densities and intensities over large areas, and the specific use and intensities for specific parcels within that range are decided by a more detailed, implementing zoning map.[15]

Compatibility

The future land use element must consider what uses are compatible with one another to guide rezoning requests, development orders, and plan amendments.[16] Compatibility means "a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition."[17] In other words, the compatibility requirement permits local governments to consider whether a proposed use can peacefully coexist with existing uses.

Local governments, through the future land use plan, are responsible for ensuring compatibility of uses on adjacent lands, and particularly those lands in proximity to military installations and airports.[18] To act on this requirement, land use regulations are required to contain specific and detailed provisions necessary to ensure the compatibility of adjacent land uses.[19] In practice, these regulations take the form of zoning codes with compatibility standards for height, density, setbacks, parking, and other general regulations on what types of developments can coexist.[20]

Infill Development

The Growth Policy Act (GPA) establishes a framework for urban infill and redevelopment for promoting and sustaining urban cores.[21] The GPA defines an "urban infill and redevelopment area" as an area:

- Where basic public services such as water, sewer, transportation, schools, and recreation are already available or planned;
- That contains areas suffering from pervasive poverty, unemployment, and general distress;
- That contains a high proportion of substandard, overcrowded, dilapidated, vacant, abandoned, or functionally obsolete properties;
- That is near transit stops; and
- That includes or is adjacent to community redevelopment areas, brownfields, enterprise zones, or Main Street programs, or has been designated by the state or Federal Government as an urban redevelopment,

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[11] S. 163.3177(5)(a), F.S.
[12] S. 163.3177(6)(a), F.S. Applicable uses and categories of public and private uses of land include, but are not limited to, residential, commercial, industrial, agricultural, recreational, conservation, educational, and public facilities.
[13] S. 163.3177(6)(a)1., F.S.
[14] S. 163.3177(6)(a)2., F.S.
[15] Richard Grosso, *A Guide to Development Order "Consistency" Challenges Under Florida Statutes Section 163.3215*, 34 J. Envtl. L. & Litig. 129, 154 (2019) (citing *Brevard Cty. v. Snyder,* 627 So. 2d 469, 475 (Fla. 1993)).
[16] S. 163.3194(3), F.S.
[17] S. 163.3164(9), F.S.
[18] S. 163.3177(6)(a)2.-3., F.S.
[19] S. 163.3202(2)(b), F.S.
[20] *See, e.g.,* City of Maitland Land Development Code, s. 5.10 (Residential Compatibility Standards).
[21] Ss. 163.2511-163.2520, F.S.

revitalization, or infill area under empowerment zone, enterprise community, or brownfield showcase community programs or similar programs.[22]

The GPA authorizes local governments to designate urban infill and redevelopment areas based on specified criteria by adopting a comprehensive, community-based redevelopment plan.[23] The plan must address land use, housing (including affordable housing), transportation, infrastructure, public safety, and economic development, and must be developed through a collaborative process involving residents, businesses, and other stakeholders. Once designated, urban infill and redevelopment areas may utilize tax increment financing, revenue bonds, and state and federal funding mechanisms to support redevelopment activities.[24]

Concurrency

In the context of comprehensive planning, "concurrency" refers to the concept of providing additional public facilities necessary to achieve and maintain standards of service in the community in a timely manner in response to increased demand caused by development.[25] All local government comprehensive plans must provide for concurrency in providing public facilities and services for sanitary sewer, solid waste, drainage, and potable water, but local governments may extend concurrency requirements to other public facilities such as transportation and schools.[26] When concurrency is applied to other public facilities and services, the local comprehensive plan must provide sufficient principles, standards, and adopted levels of service to guide its implementation.[27] Concurrency requirements apply to state facilities and other public facilities to the same extent as all other facilities and development.[28]

One method of funding local government concurrency requirements is through the adoption and imposition of impact fees on new development. Local governments impose impact fees to fund infrastructure[29] needed to expand local services to meet the demands of population growth caused by new development.[30] The types of impact fees charged and the timing of their collection after issuing a building permit are within the discretion of the local government or special district authorities choosing to impose the fees.[31] In general, a building permit must be obtained before the construction, erection, modification, repair, or demolition of any building.[32]

Land Development Regulations

Comprehensive plans are implemented via land development regulations. Land development regulations are ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, sign regulations, or any other regulations controlling the development of land.[33]

Each county and municipality must adopt and enforce land development regulations consistent with and that implement its adopted comprehensive plan.[34] Local governments are encouraged to use innovative land

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[22] S. 163.2514(2), F.S.
[23] S. 163.2517, F.S.
[24] S. 163.2520, F.S.
[25] *See* s. 163.3180(5)(d), F.S. *See also*, David M. Layman, *Concurrency and Moratoria*, 71 Fla. B.J. 49 (January 1997).
[26] S. 163.3180(1), (5), and (6), F.S.
[27] S. 163.3180(1)(a), F.S.
[28] S. 163.3180(4), F.S.
[29] "Infrastructure" means the fixed capital expenditure or outlay for the construction, reconstruction, or improvement of public facilities with a life expectancy of five or more years, together with specific other costs required to bring the public facility into service but excluding the costs of repairs or maintenance. The term also includes specific equipment. S. 163.31801(3), F.S.
[30] S. 163.31801(2), F.S. Water and sewer connection fees are not impact fees. S. 163.31801(12), F.S.
[31] *See* s. 163.31801(2), F.S.
[32] S. 553.79, F.S.
[33] S. 163.3164(26), F.S.
[34] S. 163.3202(1), F.S.

development regulations[35] and may adopt measures for the purpose of increasing affordable housing using land use mechanisms.[36]

Zoning

A comprehensive plan's future land use element establishes a range of allowable uses and densities[37] and intensities[38] over large areas, while the specific use and intensities for specific parcels within that range are decided by a more detailed, implementing zoning map.[39]

Zoning maps and zoning districts are adopted by a local government for developments within each land use category or sub-category. While land uses are general in nature, one or more zoning districts may apply within each land use designation.[40] Common regulations within the zoning map districts include density, height and bulk of buildings, setbacks, and parking requirements. Regulations for a zoning category in a downtown area may allow for more density and height than allowed in a suburb, for instance.

If a developer or landowner believes that a proposed development may have merit but it does not meet the requirements of a zoning map in a jurisdiction, the developer or landowner can seek a rezoning through a rezoning application.[41] Rezoning applications are initially reviewed by local government staff, then by an appointed body that makes recommendations to the governing body of the local government, which makes the final determination.[42] If a property has unique circumstances or small nonconformities but otherwise meets zoning regulations, local governments may ease restrictions on certain regulations such as building size or setback through an application for a variance.[43] However, any action to rezone or grant a variance must be consistent with the local government's comprehensive plan.

Ordinances or resolutions that change the actual list of permitted, conditional, or prohibited uses within a zoning category or ordinances or resolutions initiated by the local government that change the actual zoning map designation of a parcel or parcels of land must follow additional enhanced notice requirements:

- If the area affected is less than 10 acres, the local government must notify by mail each property owner and hold a public meeting to discuss the ordinance or resolution before passage.
- If the area affected is 10 acres or greater, the local government must hold two separate meetings to discuss the changes, and notice the public through either mail to each property owner or to the public generally by newspaper.[44]

Classification of Agricultural Lands

Each property appraiser is required to classify all lands within the county as either agricultural or nonagricultural for tax assessment purposes.[45] Only lands that are used primarily for bona fide agricultural purposes may be classified agricultural.[46]

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[35] S. 163.3202(3), F.S.
[36] Ss. 125.01055 and 166.04151, F.S.
[37] "Density" means an objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre. S. 163.3164(12), F.S.
[38] "Intensity" means an objective measurement of the extent to which land may be developed or used, including the consumption or use of the space above, on, or below ground; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services. S. 163.3164(22), F.S.
[39] Grosso, *supra* note 15.
[40] *See, e.g.,* Indian River County, *Planning and Development Services FAQ* (last visited Feb. 13, 2026).
[41] *See e.g.,* City of Tallahassee, *Application for Rezoning Review* (last visited Feb. 13, 2026).
[42] *See id.* and City of Redington Shores, *Planning and Zoning Board* (last visited Feb. 13, 2026).
[43] *See e.g.*, City of Tallahassee, *Variance and Appeals* and Seminole County, *Variance Process Requirements* (last visited Feb. 13, 2026).
[44] *See* ss. 125.66(5) and 166.041(3), F.S.
[45] S. 193.461(1), F.S.
[46] S. 193.461(3)(a), F.S.

The term "bona fide agricultural purposes" means good faith commercial agricultural use of the land.[47] The term "agricultural purposes" includes, but is not limited to, horticulture; floriculture; viticulture; forestry; dairy; livestock; poultry; bee; pisciculture, if the land is used principally for the production of tropical fish; aquaculture as defined in state law; algaculture; sod farming; and all forms of farm products as defined in state law; and farm production.[48]

Recognized Environmental Condition

Recognized environmental condition (REC) is one of the terms used to identify environmental liability within the context of a Phase I Environmental Site Assessment.[49] ASTM International defines a REC in the E1527-21 standard as:

- The presence of hazardous substances or petroleum products in, on, or at the subject property due to a release to the environment;
- The likely presence of hazardous substances or petroleum products in, on, or at the subject property due to a release or likely release to the environment; or
- The presence of hazardous substances or petroleum products in, on, or at the subject property under conditions that pose a material threat of a future release to the environment.

A Phase I Environmental Site Assessment uses existing information to help a community understand the property conditions by examining current and historical uses of the site and potential threats to human health or the environment.[50] If evidence of known or potential contamination is found at the property, further investigation is needed, while if little to no evidence of potential contamination is found at the property, often the next step is to proceed with reuse or redevelopment.

Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)[51] is commonly known as the Superfund.[52] Thousands of contaminated sites exist nationally due to hazardous waste being dumped, left out in the open, or otherwise improperly managed.[53] These sites include manufacturing facilities, processing plants, landfills, and mining sites.

The CERCLA created a tax on the chemical and petroleum industries and required that the money collected be used to clean up hazardous waste sites throughout the country. The Superfund allows the U.S. Environmental Protection Agency (EPA) to clean up contaminated sites.[54] It also forces the parties responsible for the contamination to either perform cleanups or reimburse the government for EPA-led cleanup work.

Title 40, Part 312 of the Code of Federal Regulations provides that environmental condition investigations must be documented in a written report prepared by an environmental professional.[55] These reports often take the form of a Phase I Environmental Site Assessment.[56] When a potential owner conducts an investigation in compliance with Title 40, Part 312 of the Code of Federal Regulations, he or she may have a defense to liability if contamination is later discovered.[57]

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[47] *Id.*
[48] S. 193.461(5), F.S.
[49] Partner Engineering and Science, *Recognized Environmental Condition (REC)* (last visited Feb. 13, 2026).
[50] U.S. Environmental Protection Agency (EPA), *Assessing Brownfield Sites* (last visited Feb. 13, 2026).
[51] 42 U.S.C. ss. 9601 et seq.
[52] U.S. EPA, *Superfund: CERCLA Overview* (last visited Feb. 13, 2026).
[53] U.S. EPA, *What is Superfund?* (last visited Feb. 13, 2026).
[54] *Id*.
[55] U.S. EPA, *All Appropriate Inquiries Rule: Reporting Requirements and Suggestions on Report Content* (last visited Feb. 13, 2026).
[56] *See* U.S. EPA, *Brownfields All Appropriate Inquiries* (last visited Feb. 13, 2026) ("Every Phase I environmental site assessment conducted with EPA Brownfields Assessment Grant funds must be conducted in compliance with the AAI Final Rule at 40 CFR Part 312.")
[57] U.S. EPA, *Assessing Brownfield Sites* (last visited Feb. 13, 2026).

Brownfields Program

Many areas in Florida contain sites with actual or perceived environmental contamination that may present a significant barrier to redevelopment.[58] The Florida Brownfields Redevelopment Act was adopted in 1997 to provide incentives for local governments and individuals to voluntarily clean up and redevelop brownfield sites.[59] Participation in the program results in environmental cleanup, protection of public health, reuse of infrastructure, economic redevelopment and job creation.[60]

Local governments support the use of the tools and incentives provided by the program by designating brownfield areas for cleanup and revitalization.[61] A brownfield area designation can also be proposed by other persons, including, but not limited to, individuals, corporations, partnerships, limited liability companies, community-based organizations, and not-for-profit corporations.[62]

Upon designation, properties within a brownfield area have met the first requirement for participation in the program.[63] These properties may participate in economic incentives that are linked to a brownfield site rehabilitation agreement (BSRA), including the job bonus tax refund or refunds on sales and use tax paid on the purchase of building materials used in a mixed-use project or housing project. If contamination is known or suspected, the local government may designate an area and identify the person responsible for brownfield site rehabilitation. This entitles the identified person to negotiate a BSRA with the Department of Environmental Protection.[64]

Preemption

Preemption refers to the principle that a federal or state statute can supersede or supplant state or local law that stands as an obstacle to accomplishing the full purposes and objectives of the overriding federal or state law.[65]

Where state preemption applies, a local government may not exercise authority in that area.[66] Whether a local government ordinance or other measure violates preemption is ultimately decided by a court. If a local government improperly enacts an ordinance or other measure on a matter preempted to the state, a person may challenge the ordinance by filing a lawsuit. A court ruling against the local government may declare the preempted ordinance void.[67]

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[58] Florida Dept. of Environmental Protection (DEP), *Florida Brownfields Redevelopment Program Annual Report: FY 2023-24*, p. 4 (last visited Feb. 13, 2026).
[59] Ch. 97-277, s. 1, Laws of Fla., codified as ss. 376.77-376.85, F.S.
[60] DEP, *supra* note 57 at 4.
[61] *Id* at 5.
[62] S. 376.80(1)(b)2. and (2)(c), F.S.
[63] DEP, *supra* note 57 at 5.
[64] *Id.*
[65] Preemption definition, Black's Law Dictionary (12th ed. 2024).
[66] *D'Agastino v. City of Miami*, 220 So. 3d 410 (Fla. 2017); Judge James R. Wolf and Sarah Harley Bolinder, *The Effectiveness of Home Rule: A Preemptions and Conflict Analysis*, 83 Fla. B.J. 92 (June 2009).
[67] *See, e.g., Nat'l Rifle Ass'n of Am., Inc. v. City of S. Miami*, 812 So. 2d 504 (Fla. 3d DCA 2002).

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Intergovernmental Affairs Subcommittee	12 Y, 2 N, As CS	2/5/2026	Darden	Darden
THE CHANGES ADOPTED BY THE COMMITTEE:	• Revised the definition of environmentally impacted land. • Limited the provisions of the bill to qualifying parcels that border areas zoned for residential development and to the density of development on qualifying parcels. • Required an open space buffer between the new developments and existing single-family residences and townhouses. • Allowed local governments to utilize generally applicable local architectural design standards if those standards do not affect the density or intensity of the proposed development. • Required proposed developments to meet concurrency requirements before building permits are issued.			
Commerce Committee			Hamon	Fletcher
State Affairs Committee				

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.

A bill to be entitled

An act relating to infill redevelopment; creating s. 163.2525, F.S.; providing a short title; providing legislative findings; providing definitions; providing applicability; requiring a local government to permit the development of certain qualifying parcels up to a certain density and intensity; requiring a local government to approve an application for the subdivision of a qualifying parcel under certain circumstances; prohibiting a local government from using the subdivision process to restrict development in a certain manner; requiring developers of qualifying parcels to maintain a specified buffer between new developments and single-family homes and townhouses under certain circumstances; providing requirements for such buffer areas; requiring developers of qualifying parcels to establish that certain recreational facilities and areas reserved for recreational use have not been in operation or use for a certain timeframe, to pay double the parks and recreational facilities impact fees for a certain purpose, and to provide certain written notice to certain property owners; requiring property owners who receive such written notice to exercise an option to purchase certain parcels or portions thereof within a

specified timeframe or forfeit the option; limiting the price at which such parcels or portions of parcels may be offered to the property owners for purchase; requiring the administrative approval of certain proposed developments; authorizing local governments to apply certain local regulations under certain circumstances; requiring development on qualifying parcels to meet concurrency requirements; requiring each local government to maintain a certain policy on its website; providing applicability; providing construction; prohibiting a local government from adopting or enforcing certain local laws, ordinances, or regulations; providing an effective date.

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

Section 1. Section 163.2525, Florida Statutes, is created to read:

163.2525 Infill Redevelopment Act.—

(1) SHORT TITLE.—This section may be cited as the "Infill Redevelopment Act."

(2) LEGISLATIVE FINDINGS.—The Legislature finds that this state's urban areas lack sufficient land for the development of additional residential uses, which has led to a shortage of supply; that parcels of land within or near urban areas are

difficult to develop or redevelop because of environmental issues and local regulations; and that facilitating the expedited permitting of such parcels, particularly in areas in which multiple local governments have jurisdiction, serves important public interests in remediating environmentally challenged land and increasing the supply of housing.

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

(a) "Adjacent to" means located next to another parcel of land or portion thereof, including where the parcels are separated only by a roadway, railroad, or other public or private right-of-way or easement.

(b) "Density" has the same meaning as in s. 163.3164.

(c) "Designated agricultural land" means a parcel of land within a zoning district that allows for agricultural uses such as farming, raising livestock, or aquaculture as the main permitted uses and which land is classified as agricultural land under s. 193.461.

(d) "Environmentally impacted land" means a parcel of land, any portion of which:

1. There is a detection of a containment or pollutant above the applicable local, state, or federal residential clean up levels;

2. Is, or, prior to or concurrent with development, would be subject to environmental cleanup or site rehabilitation requirements pursuant to chapter 376, chapter 403, or local

environmental ordinances or regulations, as a result of the presence of environmental containment or pollution present above applicable cleanup target levels; or

3. Is located in a brownfield area designated pursuant to s. 376.80.

(e) "Local government" means a county, municipality, special district, or political subdivision of the state.

(f) "Parcel of land" has the same meaning as in s. 163.3164.

(g) "Qualifying parcel" means a parcel of land to which this section applies under subsection (4).

(h) "Recreational facilities" means one or more parcels of land any portion of which was previously used as a golf course, tennis court, swimming pool, or clubhouse, or another similar use.

(i) "Townhouse" means a single-family dwelling unit that is constructed in a series or group of attached units with property lines separating such units.

(j) "Urban growth boundary" means a boundary established by a comprehensive plan or land development regulation beyond which the provision of urban services or facilities is limited. The term includes, but is not limited to, urban development boundaries and urban service boundaries.

(4) QUALIFYING PARCELS.—

(a) Except as provided in paragraph (b), this section applies to environmentally impacted land consisting of at least 5 acres that is adjacent to a zoning district within the same jurisdiction that permits residential uses as of right and is within a county that meets both of the following requirements:

1. The county has a population of more than 1.475 million according to the most recent decennial census.

2. There are at least 15 municipalities within the county.

(b) This section does not apply to any of the following:

1. Designated agricultural land.

2. Land owned or operated by a local government for public park purposes.

3. Land outside an urban growth boundary.

4. Land within one-quarter mile of a military installation identified in s. 163.3175(2).

(5) DEVELOPMENT REGULATIONS.—Notwithstanding any local law, ordinance, or regulation to the contrary, a local government must permit a qualifying parcel to be developed with residential uses. The density of development pursuant to this section shall not exceed the average density of all zoning districts within the same jurisdiction that allow residential uses as of right adjacent to the qualifying parcel, and its intensity must comply with the standards of any adjacent zoning district.

(6) SUBDIVISION APPROVAL.—A local government must approve an application for the subdivision of a qualifying parcel if the application satisfies the requirements of chapter 177. A local government may not use the subdivision process to restrict development below the density and intensity authorized under subsection (5).

(7) BUFFER FROM RESIDENTIAL USES.—If a qualifying parcel is adjacent to single-family homes or townhomes, or both, on all sides, the developer must provide a buffer of at least 20 feet between the new development and the existing single-family homes or townhomes. The buffer area shall be measured from lot line to lot line and must be maintained as open space or improved with passive recreational facilities accessible to the community. Swales and water retention areas shall be considered open space.

(8) RECREATIONAL FACILITIES.—

(a) If a qualifying parcel includes recreational facilities or areas reserved for recreational use and such recreational facilities or areas are adjacent to single-family homes on all sides, the developer must do all of the following:

1. Establish that such facilities or areas, or portions thereof, located on the qualifying parcel have not been in operation or in use for a period of at least 12 consecutive months.

2. Pay double the applicable parks or recreational facilities impact fee that would otherwise apply to the proposed

development, to compensate for the loss of open or recreational space.

3. Provide written notice delivered by certified mail to all owners of property adjacent to the recreational facilities or areas, which notice includes all of the following information:

a. That the developer intends to develop the parcel in accordance with this section.

b. That the adjacent property owners may elect to purchase the parcel or portion thereof containing recreational facilities or areas for the purpose of maintaining the parcel, or portions thereof, as recreational areas or open space within 90 days after the date the notice is mailed.

c. The price at which the adjacent property owners may purchase the property.

(b) Property owners who receive the notice required under subparagraph (a)3. and wish to exercise the option to purchase the parcel or portion thereof containing the recreational facilities or areas must exercise the option and close on the property, including requiring the property to be maintained as a recreational area or open space for at least 30 years through acceptance of a deed restriction or recording of a restrictive covenant, within 90 days after the notice is mailed or forfeit the option. The parcel or portion thereof must be offered to

such property owners for purchase at a price that may not exceed the greater of:

1. An amount equal to the price paid by the property owner plus 10 percent; or

2. An amount equal to a bona fide offer to purchase the property received by the property owner within the last 12 months plus 10 percent.

(9) DEVELOPMENT APPLICATIONS.— The proposed development of a qualifying parcel which complies with the requirements of this section must be administratively approved, and no further action by the governing body of a local government is required. A local government may administratively require a proposed development to comply with local regulations relating to architectural design, such as required color palettes or architectural style, provided such standards would apply to, and are generally applicable to, comparable residential development within the jurisdiction and do not affect the density or intensity of the proposed development. Developers shall be required to establish consistency with applicable concurrency requirements before the issuance of a building permit for any project developed pursuant to this section. Each local government shall maintain on its website a policy containing procedures and expectations for administrative approval under this subsection.

(10) APPLICATION AND CONSTRUCTION.—This section applies retroactively to any local law, ordinance, or regulation that is

contrary to this section or its intent and must be liberally construed to effectuate its intent.

(11) PREEMPTION.—A local government may not adopt or enforce a local law, an ordinance, or a regulation that applies or has the effect of applying a more restrictive or burdensome requirement or procedure to the development of a qualifying parcel which is administratively approved pursuant to this section. Any such law, ordinance, or regulation contrary to this section is void.

Section 2. This act shall take effect upon becoming a law.

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: CS/HB 1175	**COMPANION BILL:** SB 1526 (Rodriguez)
TITLE: Safety Design Standards for Office Surgery Suites	**LINKED BILLS:** None
SPONSOR(S): Redondo	**RELATED BILLS:** None

Committee References

Industries & Professional Activities 16 Y, 0 N	➤ Health Professions & Programs 14 Y, 0 N, As CS	➤ Commerce

SUMMARY

Effect of the Bill:
The bill directs the Florida Building Commission and the State Fire Marshal to create new safety design standards specific to office surgical suites to allow up to six patients on an outpatient basis, instead of the current limitation of four patients who, due to treatment, anesthesia, or illness or injury, are unable to take action for self-preservation during an emergency.

Fiscal or Economic Impact:
The bill would have an indeterminate financial benefit for physicians who have office surgical suites. It could have an indeterminate, negative financial impact on hospitals.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

By January 1, 2027, the bill directs the Florida Building Commission to amend the Florida Building Code and the State Fire Marshal to amend the Florida Fire Prevention Code to include safety design standards for office surgical suites so that physicians can provide services or treatment simultaneously for up to six patients who, due to treatment, anesthesia, or illness or injury, are unable to take action for self-preservation during an emergency without the assistance of others. (Section 1)

The safety design standards must be an alternative to the safety design standards for ambulatory health care occupancies that are already found in the codes, which currently limit such office surgical suites to treating no more than four immobile patients. The bill defines "office surgery suite" as that portion of a physician's office where surgery is performed. (Section 1)

The bill takes effect on July 1, 2026. (Section 2)

FISCAL OR ECONOMIC IMPACT:

PRIVATE SECTOR:

Indeterminate. The bill expands the number of patients, from four to six, that physicians that operate in an office surgery suite can provide simultaneous services or treatment to on an outpatient basis. This may have a positive fiscal impact on these businesses. However, the increased number of patients allowed in this setting may have a negative fiscal impact on hospitals.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Florida Building Code

In 1974, Florida adopted legislation requiring all local governments to adopt and enforce a minimum building code that would ensure that Florida's minimum standards were met. Local governments could choose from four separate model codes. The state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes, as they desired.[1]

In 1992, Hurricane Andrew demonstrated that Florida's system of local codes did not work. Hurricane Andrew easily destroyed those structures that were allegedly built according to the strongest code. The Governor eventually appointed a study commission to review the system of local codes and make recommendations for modernizing the system. The 1998 Legislature adopted the study's commission recommendations for a single state building code and enhanced the oversight role of the state over local code enforcement. The 2000 Legislature authorized implementation of the Florida Building Code (Building Code), and that first edition replaced all local codes on March 1, 2002.[2] The current edition of the Building Code is the eighth edition, which is referred to as the 2023 Building Code.[3]

Chapter 553, part IV, F.S., is known as the "Florida Building Codes Act" (Act). The purpose and intent of the Act is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.[4]

The Florida Building Commission (Commission) was created to implement the Building Code. The Commission, which is housed within the Department of Business and Professional Regulation (DBPR), is a 19-member technical body made up of design professionals, contractors, and government experts in various disciplines covered by the Building Code. The Commission reviews several International Codes published by the International Code Council,[5] the National Electric Code, and other nationally adopted model codes to determine if the Building Code needs to be updated and adopts an updated Building Code every three years.[6]

Florida Fire Prevention Code

Chapter 633, F.S., Florida's fire prevention and control law, designates the state's Chief Financial Officer as the State Fire Marshal. The State Fire Marshal, through the Division of State Fire Marshal within the Department of Financial Services, is charged with enforcing the provisions of ch. 633, F.S., and all other applicable laws relating to fire safety.[7]

The State Fire Marshal also adopts by rule the Florida Fire Prevention Code (Fire Code), which contains all fire safety laws and rules that pertain to the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities.[8]

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[1] The Florida Building Commission Report to the 2006 Legislature, *Florida Department of Community Affairs,* p. 4, http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf (last visited Jan. 28, 2026).
[2] *Id.*
[3] Florida Building Commission Homepage, https://floridabuilding.org/c/default.aspx (last visited Jan. 28, 2026).
[4] *See* s. 553.72(1), F.S.
[5] The International Code Council (ICC) is an association that develops model codes and standards used in the design, building, and compliance process to "construct safe, sustainable, affordable and resilient structures." International Code Council, *About the ICC*, https://www.iccsafe.org/about/who-we-are/ (last visited Jan. 28, 2026).
[6] S. 553.73(7)(a), F.S.
[7] S. 633.104, F.S.
[8] S. 633.202, F.S.

The Fire Code is **an occupancy-based code.** Three occupancy classifications exist in the Fire Code that could apply to medical facilities. They are business occupancies, ambulatory health care occupancies, and health care occupancies. The Fire Code defines a business occupancy as "an occupancy used for the transaction of business other than mercantile".[9] This occupancy type includes doctor's offices.

Ambulatory health care occupancy is defined as an occupancy "used to provide services or treatment simultaneously **to four or more patients that provides, on an outpatient basis**, one or more of the following:

1. Treatment for patients that renders the patient incapable of taking action for self-preservation under emergency conditions without the assistance of others;
2. Anesthesia that renders the patient incapable of taking action for self-preservation under emergency conditions without the assistance of others
3. Treatment for patients who, due to the nature of their injury or illness, are incapable of taking action for self-preservation under emergency conditions without the assistance of others."[10]

Health care occupancy is defined as an occupancy "used to provide medical or other treatment or care simultaneously to **four or more patients on an inpatient basis**, where such patients are mostly incapable of self-preservation due to age, physical or mental disability, or because of security measures not under the occupants' control."[11]

Ambulatory Surgical Centers (ASC) vs. Office-Based Surgeries (OBS)

ASCs and Office Surgery Suites are separate sections in the Building Code[12] and health care occupancies, ambulatory care occupancies, and business occupancies are regulated separately in the Fire Code.[13] Certain office surgery suites are required to meet the standards under the code for ambulatory surgical centers.

Outpatient surgery can occur in two primary settings: OBS and ASCs. OBS utilizes a dedicated suite within a doctor's office, offering a familiar patient environment. ASCs, on the other hand, are freestanding facilities specifically designed for outpatient procedures. An ASC is a facility that is not part of a hospital the primary purpose of which is to provide elective surgical care, in which the patient is admitted and discharged within 24 hours.[14] ASCs are licensed and regulated by the Agency for Health Care Administration under the same regulatory framework as hospitals.[15]

OBS offers procedures not in a hospital environment but within a dedicated suite in a doctor's office that is designed to meet surgical needs, and equipped with essential tools. Surgery in an OBS is suitable for a range of less complex procedures, for example, mole removal, skin biopsies and some cosmetic procedures, like liposuction or, in some instances, cataract surgery, can be safely conducted within an OBS suite. OBS provides a convenient and efficient option for various surgical needs, that may allow a patient to return home the same day.[16]

Office Surgeries, the Building Code and Emergency Rules

The Board of Medicine and the Board of Osteopathic Medicine have authority to adopt rules to regulate the practice of medicine and osteopathic medicine, respectively.[17] The boards have authority to establish, by rule, standards of

[9] S. 3.3.198.3 of the Eighth Edition of the Florida Fire Prevention Code, Life Safety Code.
[10] S. 3.3.198.1 of the Eighth Edition of the Florida Fire Prevention Code, Life Safety Code.
[11] S. 3.3.198.7 of the Eighth Edition of the Florida Fire Prevention Code, Life Safety Code.
[12] Ss. 451 and 469 of the Eighth Edition of the Florida Building Code, Building.
[13] Chs. 18, 19, 20, 21, 37 and 38 of the Eighth Edition of the Florida Fire Prevention Code, Life Safety Code.
[14] S. 395.002(3), F.S.
[15] Part I, ch. 395, F.S., and part II, ch. 408, F.S.
[16] *Id.*
[17] Ch. 458, F.S., regulates the practice of allopathic medicine, and ch. 459, F.S., regulates the practice of osteopathic medicine.

practice and standards of care for particular settings.[18] However, occupancies and building requirements are set in the Building Code and Fire Code.

Office Surgery Suites that provide services or treatment to **four or more patients** at the same time that either renders the patients incapable of taking action for self-preservation under emergency conditions without the assistance from others or that are under general anesthesia must meet the requirements of **ambulatory health care occupancies** under the **Building Code and Fire Code**.[19]

The Building Code defines "incapable of self-preservation" as persons who, because of age, physical limitations, mental limitations, chemical dependency or medical treatment, cannot respond as an individual to an emergency situation.[20]

Building code standards are determined based on the use of the space and whether anesthesia is used. ASCs must meet strict requirements, including special design details from "The Guidelines for Design and Construction of Outpatient Facilities". For example, the Building Code has the following requirements for operating rooms:

- Operating Room Size**:**
  - ASC: Requires at least one operating room with a minimum clear floor area of 270 square feet (25.08 m^2).
  - Office Surgery Suite: Minimum clear floor area depends on the level of care: 255 sq ft (Level II), 270 sq ft (Level III with anesthesia machine), or 400 sq ft (complex).
- Electrical systems:
  - ASC: Requires a Type I emergency electrical system (similar to hospitals).
  - Office Surgery Suite: Requires a Minimum Type III nonportable, permanently installed emergency electrical system, but new Level III suites should provide a Type I system.
- Recovery Stations: Requires an operating room to have a recovery station that must be a part of the restricted area of the office surgery suite with 3 feet of clear floor area around three sides of each recovery station for work and circulation.

Examples of differences between ASC requirements from **the Fire Code** compared to Office Surgery Suites:

- Occupancy Classifications:
  - ASC's: Require 1-hour smoke barriers and, in many cases, smoke compartments.
  - Office Surgery Suite: "Business" occupancy (lower risk), unless it hits the 4-patient threshold, which upgrades it to "Ambulatory Health Care".
- Smoke Compartments:
  - ASC: Required if the facility is large (usually over 10,000 sq ft, or 5,000 sq ft without sprinklers) to allow for safe patient movement.
  - Office Surgery Suite: Generally, not required for standard business occupancies.
- Sprinklers & Separation:
  - ASC: Requires strict 1-hour fire resistance ratings, and if in an un-sprinklered building, they must be separated by specific fire barriers.
  - Office Surgery Suite: Requires 1-hour fire separation, similar to business occupancies, but stricter if it is classified as ambulatory care due to the level of sedation/anesthesia used.

Other Considerations and Recent Events Related to Office Surgeries

Prior to performing any office surgery, a physician must evaluate the risk of anesthesia and of the surgical procedure to be performed.[21] A physician must maintain a complete record of each surgical procedure, including

[18] Ss. 458.331(v) and 459.015(z), F.S.
[19] S.469.3.1 of the Eighth Edition of the Florida Building Code, Building,
[20] S. 202 of the Eighth Edition of the Florida Building Code, Building
[21] Rs. 64B8-9.0091(2), and 64B15-14.0076(2), F.A.C.

the anesthesia record, if applicable, and written informed consent.[22] The written consent must reflect the patient's knowledge of identified risks, consent to the procedure, type of anesthesia and anesthesia provider, and that a choice of anesthesia provider exists.[23] There are additional specific requirements for liposuction procedures.[24]

Certain outpatient surgeries carry a higher risk of complications to patients[25]. Thus, the Florida Law has established specific standards and best practices for such office surgeries. For example, in 2022, the Florida Board of Medicine Board adopted an emergency rule based on statistics that indicated gluteal fat grafting patients were experiencing abnormally high levels of complications and that fatalities from fat embolisms were occurring with disturbing frequency.[26] Florida instituted additional emergency rules limiting gluteal fat grafting procedures to three per day. A number of medical societies and associations supported these rules, including the American Society of Plastic Surgeons who called such measures "patient safety measures" … believed likely to "save lives and reduce morbidity."

Based on these same concerns, Florida passed a bill in 2024 that increased regulation and fines on physicians who perform office surgeries that do not follow proper procedures related to liposuction and gluteal fat grafting.[27] Florida passed laws that required physicians to register with the Department of Health (DOH) offices that perform liposuction procedures in which more than 1,000 cubic centimeters of supernatant fat is removed.[28] Each office registered must designate a physician who is responsible for the office's compliance with the office health and safety requirements.[29] The offices are inspected by the DOH at least annually, including a review of patient records, to ensure that the office is in compliance.[30]

An office in which a physician performs gluteal fat grafting[31] procedures must at all times maintain a ratio of one physician to one patient during all phases of the procedure, beginning with the administration of anesthesia to the patient and concluding with the extubation of the patient. After a physician has commenced, and while he or she is engaged in, a gluteal fat grafting procedure, the physician may not commence or engage in another gluteal fat grafting[32] procedure or any other procedure with another patient at the same time.[33] The rate of fatal complications from gluteal fat grafting is higher than any other cosmetic procedure.[34] South Florida carries the highest mortality rate by far in the nation with 25 deaths occurring between 2010 and 2022 related to gluteal fat grafting procedures.[35] According to a study on the deaths that occurred in South Florida, the surgical setting and

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[22] *Id.*
[23] *Id.*
[24] Rs. 64B8-9.009(2)(a) and 64B15-14.007(2)(a), F.A.C.
[25] The rate of fatal complications from gluteal fat grafting is higher than any other cosmetic procedure. Pat Pazmiño, Onelio Garcia, *Brazilian Butt Lift–Associated Mortality: The South Florida Experience*, Aesthetic Surgery Journal, Volume 43, Issue 2, February 2023, Pages 162–178, https://doi.org/10.1093/asj/sjac224 (last visited January 25, 2026).
[26] Id. South Florida carries the highest BBL mortality rate by far in the nation with 25 deaths occurring between 2010 and 2022.
[27] CS/HB 1561 (2024).
[28] Ss. 458.328 and 459.0138, F.S.
[29] *Id.*
[30] *Id.*
[31] O'Neill RC, Abu-Ghname A, Davis MJ, Chamata E, Rammos CK, Winocour SJ. *The Role of Fat Grafting in Buttock Augmentation*, Seminars in Plastic Surgery (February 15, 2020) available at https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7023974/#:~:text=First%2C%20fat%20is%20harvested%20from,figure%20with%20an%20augmented%20buttock (last visited January 25, 2026).
[32] Gluteal fat grafting, commonly known as a "Brazilian butt lift" or BBL, is the fastest-growing plastic surgery procedure in the U.S. The procedure involves liposuction in areas where fat removal will improve the contour of the body. Typically, fat is harvested from two or more regions which may include the flanks (love handles), abdomen, or back. The harvested fat is purified to optimize the viability of fat cells and stem cells before it is injected into the subcutaneous layer (below the skin, but above the muscle) of the buttocks.
[33] *Id.*
[34] Pat Pazmiño, Onelio Garcia, *Brazilian Butt Lift–Associated Mortality: The South Florida Experience*, Aesthetic Surgery Journal, Volume 43, Issue 2, February 2023, Pages 162–178, https://doi.org/10.1093/asj/sjac224 (last visited January 25, 2026).
[35] *Id.*

the short surgical times for these cases were the most significant contributing factors to the deaths.[36] Of the 25 deaths, 23 of the surgeries were performed at high-volume, low budget clinics. These clinics employ a practice model based on high-volume and minimal-patient-interaction. All of the deaths resulted from pulmonary fat embolism, which occurs when a vein wall is injured during the injection process allowing fat to enter the pulmonary vessels.[37]

RECENT LEGISLATION:

YEAR	BILL #/SUBJECT	HOUSE/*SENATE* SPONSOR(S)	OTHER INFORMATION
2024	CS/HB 1561 - Office Surgeries	Busatta/ *Garcia*	Click or tap here to enter text.

OTHER RESOURCES:

Florida Building Commission

DBPR: Building Codes and Standards

Florida Building Code Eighth Edition

Florida Fire Prevention Code

Florida Board of Osteopathic Medicine: Office Surgery Centers

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Industries & Professional Activities Subcommittee	16 Y, 0 N	1/28/2026	Anstead	Miralia
Health Professions & Programs Subcommittee	14 Y, 0 N, As CS	2/11/2026	McElroy	Guzzo
THE CHANGES ADOPTED BY THE COMMITTEE:	• Moved the substance of the bill from ch. 395, F.S., which governs hospitals to ch. 553, F.S., the Florida Building Code. • Required the Florida Building Commission and the State Fire Marshal to establish the safety design standards for office surgery suites by January 1, 2027, instead of by October 1, 2026.			
Commerce Committee			Hamon	Miralia

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.

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[36] *Id.*
[37] *Id.*

A bill to be entitled

An act relating to safety design standards for office surgery suites; creating s. 553.884, F.S.; requiring the Florida Building Commission and the State Fire Marshal to establish safety design standards for certain office surgical suites by a specified date; defining the term "office surgery suite"; providing an effective date.

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

Section 1. Section 553.884, Florida Statutes, is created to read:

553.884 Office surgery suites; safety design standards.—

(1) By January 1, 2027, the commission must establish within the Florida Building Code and the State Fire Marshal must establish within the Florida Fire Prevention Code, safety design standards that allow office surgery suites to provide the following services or treatment simultaneously for up to six patients on an outpatient basis:

(a) Treatment for patients that renders the patients incapable of taking action for self-preservation under emergency conditions without the assistance of others.

(b) Anesthesia that renders the patients incapable of taking action for self-preservation under emergency conditions

CODING: Words stricken are deletions; words underlined are additions.

without the assistance of others.

(c) Treatment for patients who, due to the nature of their injury or illness, are incapable of taking action for self-preservation under emergency conditions without the assistance of others.

(2) Such standards must be an alternative to the safety design standards for ambulatory health care occupancies. For purposes of this section, an "office surgery suite" is that portion of a physician's office where surgery is performed.

Section 2. This act shall take effect July 1, 2026.

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: CS/HB 1231	**COMPANION BILL:** CS/SB 598 (Truenow)
TITLE: Final Disposition, Funeral, and Cemetery Services	**LINKED BILLS:** None
SPONSOR(S): Oliver	**RELATED BILLS:** None

Committee References

Insurance & Banking 15 Y, 0 N, As CS	➤	Commerce

SUMMARY

Effect of the Bill:
The bill prohibits funeral and burial services providers from contracting to be the exclusive provider of funeral or burial services for an entity that provides medical or hospice care. The bill permits cemeteries to be divided by public rights of way and roads if parcels are in close proximity. The bill removes requisite education credentials for out of state embalmers, funeral directors, and combination embalmer and funeral directors seeking licensure by endorsement. The bill revises education requirements for funeral director interns and combination embalmer and funeral director interns. The bill reduces the timeframe in which facilities may dispose of human remains if legally authorized persons fail to direct disposition from 120 days to 90 days. The bill allows notices relating to preneed contracts to be sent by email. The bill excludes preneed contracts from insurance contract requirements. The bill explicitly authorizes natural organic reduction of human remains, establishes required procedures governing such reduction of human remains, and creates a licensing framework for natural organic reduction facilities.

Fiscal or Economic Impact:
The bill may have an indeterminate economic impact on the private sector.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

Prohibition on solicitations

The bill prohibits funeral and burial service providers and other similar providers licensed under the Florida Funeral, Cemetery, and Consumer Services Act ("FFCCSA"), from contracting to become the exclusive or sole provider of funeral, burial, cremation, refrigeration, embalming, or removal services for medical providers, hospices, or similar end-of-life care providers. (Section 2).

Land requirements for cemeteries

The bill amends requirements for cemeteries by allowing parcels to be divided by a public right-of-way or public road if the parcels are in close proximity and form a unified cemetery property. (Section 3).

The bill requires applications for cemeteries to identify any public rights-of-way or public roads dividing parcels. (Section 3).

The bill provides that parcels located in a separate or distant geographic area, even if along the same roadway or corridor, are not permissible. (Section 3).

Education and testing requirements for licensure by endorsement
The bill amends requirements for obtaining an embalmer license, funeral director license, and combination funeral director and embalmer license by endorsement. The bill provides that a person with a valid license in good standing to practice in another state that has engaged in the full-time practice of their respective license in that state for at least 5 years is exempt from educational and testing requirements. (Sections 5-6 and Section 8).

Licensure requirements for funeral director interns
The bill removes the educational requirement for applicants for a funeral director intern license to take and receive passing grades in college courses in ethics and in mortuary law or funeral service law. (Section 7).

Under the bill, applicants are still required to hold an associate degree or higher in any field from an accredited college or university. Additionally, applicants are still required to be enrolled in and attending an approved course of study in mortuary science or funeral service arts. (Section 7).

Licensure requirements for combination funeral director and embalmer interns
The bill changes the educational requirements for applicants for a combination funeral director and embalmer intern license by removing the requirements to complete 75 percent of the course of study in mortuary science and to take and receive passing grades in college credit courses in ethics and mortuary law or funeral law. Instead, the bill requires applicants to hold an associate degree or higher in any field from a college or university accredited by a regional accrediting agency recognized by the United States Department of Education or be enrolled in and attending an accredited college in a course of study in mortuary science. (Section 9).

Disposal of human remains
The bill permits a licensee or facility to dispose of human remains without the direction of a legally authorized person if:

- The licensee or facility had lawful possession of the human remains for at least 90 days; and
- The legally authorized person[1] of the decedent fails, neglects, or refuses to direct the disposition of the human remains. (Section 10).

Notices relating to unfilled preneed contracts
The bill permits licensees to send notices related to unfilled preneed contracts by e-mail. The bill further revises the process when a notice is returned undeliverable by allowing the trustee's required diligent search and inquiry to seek an alternative e-mail address for the purchaser or beneficiary of the contract, in addition to a mailing address. (Section 11).

The bill removes provisions that define and expand the scope of a trustee's diligent search, including detailed requirements specifying what mailing addresses must be identified and used for follow-up notices. (Section 11).

Natural organic reduction facilities
The bill defines natural organic reduction as the contained, accelerated conversion of human remains to soil, and expands the definition of cremation to include natural organic reduction. (Section 1).

The bill defines natural organic reduction facility as a structure, room, or other space in a building or a real property where natural organic reduction of a human body occurs. (Section 1).

Natural organic reduction facility licensure
The bill requires natural organic reduction facilities to apply for and obtain a license from the Department of Financial Services ("DFS") prior to operating in the state. Applicants must be a natural person at least 18 years of age, a corporation, a partnership, or a limited liability company. The applicant and the applicant's principals must

[1] The priority for "legally authorized person" in arranging the disposition of a human body is generally (1) someone designated by the deceased in writing prior to their death; (2) surviving spouse; (3) adult children; (4) parents; (5) siblings; (6) other next of kin; (7) a guardian, personal representative of the estate, or friend if no next of kin. S. 497.005(43), F.S.

be of good character with no demonstrated history of lack of trustworthiness or integrity in business or professional matters. (Section 12).

License application requirements include:

- The name, address, date and place of birth or incorporation, and business phone number of the applicant and all principals of the applicant.
- The applicant's social security number or, if the applicant is an entity, its federal tax identification number.
- The name of the funeral director who will be in charge of the facility.
- Criminal records of the applicant.
- The applicant's finger prints and the finger prints of its principals.
- A disclosure providing whether the applicant, or its principals, have ever had a license refused, suspended, fined, denied, or otherwise acted or disciplined against by a licensing authority of any jurisdiction.
- Demonstration that the applicant does or will before operating under the license, comply with all requirements of the FFCCSA.
- The applicant's signature. (Section 12).

The application may also require:

- Information on the applicant's financial resources.
- Information on the educational and employment history, if an individual, or if the applicant is not a natural person, the applicant's business and employment history of the applicant and its principals. (Section 12).

Natural organic facility licenses must be renewed annually. The bill requires natural organic reduction facilities to be inspected prior to licensure and annually thereafter. (Section 12).

The bill exempts natural organic reduction facilities from any licensing or license renewal fees. (Section 12).

The bill permits DFS to issue probationary licenses to natural organic reduction facilities judged to be borderline as to qualification. A probationary license may only be issued if DFS determines issuance would not pose an unreasonable risk to the public. The bill provides that within 24 months of issuance, DFS must either remove the probationary status or determine that the licensee is not qualified for licensure. (Section 12).

The bill requires natural organic reduction facilities to notify DFS prior to any change in location, ownership or control of the licensee or licensed person in charge of the licensee's operations. A licensee must obtain an inspection from DFS at a new location before commencing operations at the new location. (Section 12).

Natural organic reduction facility requirements

The bill provides that natural organic reduction facilities must:

- Have a licensed funeral director in charge of the facility.[2]
- Be at a fixed location with at least 1,250 contiguous feet of interior space.
- Maintain or make arrangements for suitable capacity for the refrigeration and storage of human remains handled and stored by the establishment.
- Have at least one operable organic human reduction container.
- Have at least one operable processing station for grinding of organically reduced remains.
- Place human remains within an operable organic human reduction container within eight hours of receipt, or maintain refrigeration that satisfies standards set by the Department of Health and contains sufficient refrigerated space for the average daily number of bodies.
- Display the name of the facility and the name of the funeral director in charge at its public entrance.
- Transport human remains in a cremation container or store them if they are completely covered and treated with dignity and respect.

[2] The bill requires the funeral director in charge to possess a national or state certification as a natural organic reduction operator. A funeral director may not be in charge of more than two facilities.

- Operate only through a funeral establishment.
- Maintain the premises in a clean and sanitary condition.
- Submit periodic reports to DFS with information about the facility and persons undergoing natural organic reduction.
- Be subject to inspection at all times by DFS, the Department of Environmental Protection, the Department of Health, and local government inspectors. (Section 12).

The bill prohibits natural organic reduction facilities from placing more than one dead human body in an organic human reduction container at one time, unless the facility has received written permission from a legally authorized person for each body. (Section 12).

Natural organic reduction required procedures

The bill requires the legally authorized person to give written authorization prior to the natural organic reduction. A legally authorized person must designate her or his intentions with respect to the disposition of the reduced remains in a signed declaration of intent. (Section 14).

The bill requires a natural organic reduction to be initiated within 48 hours after a specific time which has been agreed to in writing by the legally authorized person. (Section 14).

The bill provides that reduced remains are not property under the Florida Probate Code, and are not subject to partition for purposes of distribution.[3] Under the bill, a division of reduced remains requires consent of the legally authorized person. (Section 14).

The bill provides that a funeral establishment making arrangements for a reduction shall not be responsible for or take possession of unclaimed reduced remains. (Section 14).

The bill provides that if reduced remains have not been claimed after 120 days, the funeral establishment may dispose of the reduced remains. (Section 14).

The bill requires that after completion of the reduction process, the reduced remains must be pulverized until no single fragment is recognizable as skeletal tissue. The pulverized remains are then required to be transferred to a container or multiple containers, if requested by the legally authorized person, and then delivered to the legally authorized person or otherwise disposed of. (Section 14).

Decrease of the wait time period for disposal of cremated remains

The bill decreases the amount of time that a funeral or direct disposal establishment must wait before disposing of cremated remains that have not been claimed from 120 days to 90 days. (Section 13).

Insurable interest consent

The bill excludes preneed contracts from the requirement that insured persons apply for and consent to contract terms. (Section 15).

Effective date:

The bill provides an effective date of July 1, 2026. (Section 16).

RULEMAKING:

The bill permits the Board of Funeral, Cemetery, and Consumer Services to adopt rules to implement the provisions related to permitting notices on unfilled preneed contracts and permits the Board to adopt rules and regulations to provide for the sanitary disposal of human remains by natural organic reduction. The bill requires

[3] *See* ss. 731.201(32) and 733.814, F.S.

DFS, the Department of Health, and the Department of Environmental Protection to adopt rules establishing health and environmental inspection standards for natural organic reduction facilities.

Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.

FISCAL OR ECONOMIC IMPACT:

PRIVATE SECTOR:

The bill may have a positive fiscal impact on the private sector by reducing the licensing requirements to obtain a funeral director intern license and a combination funeral director and embalmer intern license. The bill may also have a positive fiscal impact by reducing the requirements to obtain licensure by endorsement for embalmer licenses, funeral director licenses, and combination funeral director and embalmer licenses. The bill may also have a positive fiscal impact by creating a new market for natural organic reduction facilities.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Florida Funeral, Cemetery, and Consumers Services Act

Chapter 497, F.S., known as the Florida Funeral, Cemetery, and Consumer Services Act ("FFCCSA"), regulates funeral and cemetery services.[4] The FFCCSA authorizes the Board of Funeral, Cemetery, and Consumer Services ("Board") within the Department of Financial Services ("DFS") to regulate cemeteries, columbaria,[5] cremation services, mausoleums, cemetery companies, dealers and monument builders, funeral directors, and funeral establishments.[6] The Board oversees licensing and rulemaking for the death care industry, including examinations and facility standards.[7] The death care industry includes the following individuals and entity licenses:

- Brokers of burial rights;
- Cemeteries;
- Central embalming facilities;
- Cinerator facilities;
- Direct disposer and direct disposal establishments;
- Embalmers (including apprentices, interns, and by endorsement);
- Funeral directors and funeral establishments (including interns and by endorsement);
- Preneed, preneed branches, and preneed sales agents;
- Monument establishments and monument establishment sales agents;
- Refrigeration facilities;
- Removal services; and
- Training facilities[8]

[4] S. 497.001, F.S.

[5] "Columbarium" means a structure or building that is substantially exposed above the ground and that is intended to be used for the inurnment of cremated remains. S. 497.005(18), F.S.

[6] *See* ss. 497.101 and 479.103, F.S.

[7] *Id.*

[8] Funeral, Cemetery, and Consumer Services, *Who We Regulate,* https://myfloridacfo.com/division/funeralcemetery/who-we-regulate (last visited Jan. 30, 2026).

Solicitation

The FFCCSA authorizes the Board to regulate solicitation of sales of burial rights, merchandise, or services by licensees.[9] The Board is required to regulate such solicitation to protect the public from solicitation which:

- is intimidating, overreaching, fraudulent, or misleading;
- utilizes undue influence; or
- takes undue advantage of a person's ignorance or emotional vulnerability.[10]

Currently, the FFCCSA does not prohibit funeral homes, burial service providers, and other similar licensed providers from contracting to become the exclusive or sole provider of funeral, burial, cremation, refrigeration, embalming, or removal services for medical providers, hospices, or similar end-of-life care providers.[11]

Cemetery regulation

The FFCCSA defines "cemetery" as a place dedicated to and used or intended to be used for the permanent interment of human remains or cremated remains. A cemetery may contain land or earth interment; mausoleum, vault, or crypt interment; a columbarium, ossuary, scattering garden, or other structure or place used or intended to be used for the interment or disposition of cremated remains; or any combination of one or more of such structures or places.[12]

Under current law, cemeteries must contain at least 30 contiguous acres.[13] Cemetery applications must state the exact number of acres in a proposed cemetery.[14] Further, cemeteries must contain at least 30 contiguous acres to be sold, conveyed, or disposed of.[15]

Embalmers

Embalming is the disinfecting or preserving or attempting to disinfect or preserve dead human bodies by replacing certain body fluids with preserving and disinfecting chemicals.[16] To be licensed as an embalmer in Florida, an applicant must:

- Complete coursework in mortuary science;
- Complete coursework in communicable diseases;
- Complete a one-year internship under a licensed embalmer;
- Pass a written exam on the disposal of dead bodies;
- Pass a licensing exam;
- Submit fingerprints for a background check; and
- Submit an application and pay a $200 application fee.[17]

Applicants licensed as an embalmer in another state may seek licensure by endorsement. There are two distinct endorsement pathways:

[9] S. 497.164, F.S.
[10] *Id.*
[11] *See* Ch. 497, F.S.
[12] S. 497.005(13), F.S.
[13] S. 497.263, F.S.
[14] *Id.*
[15] S. 497.270(2), F.S.
[16] S. 497.005, F.S.
[17] S. 497.368, F.S.

Option One: The applicant must hold a valid embalmer license in good standing issued by another U.S. state and have engaged in the full-time practice of embalming for at least five years in that state and:
- Provide documentation showing coursework in communicable diseases;
- Pass a written exam on the disposal of dead bodies;
- Submit fingerprints for a background check; and
- Submit an application and pay a $200 application fee.[18]

Option Two: The applicant must:
- Have practiced as a licensed embalmer for at least one year;
- Have passed a state, regional, or national licensing exam during the 10 years prior to application deemed to be at least as rigorous as Florida's;
- Provide documentation showing coursework in communicable diseases;
- Pass a written exam on the disposal of dead bodies;
- Submit fingerprints for a background check; and
- Submit an application and pay a $200 application fee.[19]

Funeral Directors

Persons who sell and make financial arrangements for funeral services (including the disposition of human remains through embalming, cremation or other means) must be licensed as funeral directors and be affiliated with a licensed funeral establishment.[20] To be licensed as a funeral director, an applicant must:
- Submit an application and pay a $200 application fee;
- Submit fingerprints for a background check;
- Have an associates' degree in mortuary science or an associates' degree in another subject and also have completed an approved course of study in mortuary science;
- Complete a course on communicable diseases;
- Complete a one-year internship under a licensed funeral director;
- Pass an exam on the disposal of dead bodies; and
- Pass a licensing exam.[21]

Applicants licensed as a funeral director in another state may seek licensure by endorsement. There are two distinct endorsement pathways:

Option One: The applicant must hold a valid funeral director license in good standing issued by another U.S. state and have engaged in the full-time practice of funeral directing for at least five years in that state and:
- Complete coursework in communicable diseases;
- Pass a written exam on the disposal of dead bodies;
- Submit fingerprints for a background check; and
- Submit an application and pay a $200 application fee.[22]

Option Two: The applicant must have completed a licensing exam in another state that is substantially equivalent or more stringent than the licensing exam in Florida, and:
- Hold an associate's degree or higher or a certificate from an accredited program in mortuary science;
- Complete coursework in communicable diseases;
- Complete a one-year internship under a licensed funeral director;
- Pass a written exam on the disposal of dead bodies;

[18] S. 497.369, F.S.
[19] *Id.*
[20] S. 497.372, F.S.
[21] S. 497.373, F.S.
[22] S. 497.374, F.S.

- Submit fingerprints for a background check; and
- Submit an application and pay a $200 application fee.[23]

Combination embalmers and funeral directors

The FFCCSA permits persons to hold licenses in both embalming and funeral directing at the same time.[24] Applicants seeking licensure by endorsement for a combination license must satisfy the educational requirements for funeral directors which include:

- Holding an associate degree or higher in mortuary science; or
- Holding an associate degree or higher from an accredited college or university and has completed an approved mortuary science or funeral service arts program at an institution accredited by the American Board of Funeral Service Education.[25]

Licensure requirements for funeral director interns

Funeral director interns must apply for and obtain a license.[26] To become an intern, applicants must meet one of the following two educational credentials:

- Holds an associate degree or higher in mortuary science; or
- Hold an associate degree or higher from an accredited college or university and complete an approved mortuary science or funeral service arts program at an institution accredited by the American Board of Funeral Service Education.[27]

An individual who does not yet meet those requirements may still qualify for an intern license if the individual:

- Holds at least an associate degree or higher in any field from an accredited college or university;
- Is enrolled in and attending an approved mortuary science or funeral service education program; and
- Successfully completed college-level coursework in funeral or mortuary law and ethics.[28]

Licensure requirements for combination funeral director and embalmer interns

Applicants seeking a combination funeral directing and embalming internship license must meet the education requirements for a combination funeral directing and embalming license.[29] Applicants who have not yet completed the requirements can still obtain a license as an intern if the applicant:

- Is currently enrolled in and attending a college accredited by the American Board of Funeral Service Education ("ABFSE") in a course of study in mortuary science accredited by ABFSE;
- Completed at least 75 percent of the course of study in mortuary science as certified by the college in which the applicant is currently enrolled; and
- Received a passing grade in a college credit course in mortuary law or funeral service law and received a passing grade in a college credit course in ethics.[30]

Storage of human remains

A person may not store or maintain human remains at any establishment or facility except an establishment or facility licensed under the FFCCSA or a health care facility, medical examiner's facility, morgue, or cemetery holding facility.[31]

If a legally authorized person fails to claim or direct disposition of human remains, the remains are treated as unclaimed, and the person or entity in possession must immediately notify the Anatomical Board of the State

[23] *Id.*
[24] S. 497.376, F.S.
[25] Ss. 497.376 and 497.375, F.S.
[26] S. 497.375, F.S.
[27] S. 497.375, F.S.
[28] *Id.*
[29] S. 497.377, F.S.
[30] *Id.*
[31] S. 497.386, F.S.

headquartered at the University of Florida Health Science Center.[32] and make reasonable efforts to identify and notify relatives.[33] In the absence of available family, a licensed funeral director may assume the role of a legally authorized person after 24 hours have elapsed since the time of death, in order to embalm, store, and deliver unclaimed remains to the Anatomical Board.[34] Unclaimed remains must be delivered to the Anatomical Board as soon as possible after death.[35]

If the Anatomical Board does not accept the unclaimed remains, the board of county commissioners or its designated county department for the county in which the death occurred or the remains were found may authorize and arrange for the burial or cremation of the human remains.[36]

Preneed contracts

A preneed contract is an arrangement or method for which the provider of funeral merchandise or services receives any payment in advance for funeral or burial merchandise and services after the death of the contract beneficiary.[37]

If any obligation of the preneed contract remains unfulfilled under certain conditions, a preneed licensee must provide to the purchaser of the contract or the legally authorized beneficiary of the contract written notice of the preneed licensee's intent to distribute funds in accordance with the terms of the preneed contract.[38] The notice must be provided by certified mail, registered mail, or permitted delivery service.[39]

Natural organic reduction

Natural organic reduction facilities are facilities with specialized tanks, containers, or similar vessels that convert human remains to nutrient-rich soil.[40] The reduction process involves the human remains being placed into the container, tank, or vessel together with straw, wood chips, and other natural materials for around four to six weeks.[41]

Once the body is in the container, tank, or vessel, oxygen flows through stimulating microbes in the remains that transform the remains into soil.[42] The facilities then return the soil to a designated person, such as a loved one of the deceased, and can be used for planting.[43]

As of September 2025, natural organic reduction is legal in fourteen states.[44]

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[32] The Anatomical Board of the State of Florida is a nonprofit state organization responsible for receiving, preparing (embalming), storing and distributing donations of human cadavers used in medical education and research programs throughout the state. Anatomical Board of the State of Florida, *About the Anatomical Board*, https://anatbd.acb.med.ufl.edu/ (last visited Jan. 31, 2026).
[33] S. 406.50, F.S.
[34] *Id.*
[35] *Id.*
[36] *Id.*
[37] S. 497.005, F.S.
[38] S. 497.459, F.S.
[39] *Id.*
[40] *Id.*
[41] Natural Funeral Directors Association, *Natural Organic Reduction,* https://nfda.org/resources/alternative-disposition/natural-organic-reduction (last visited Feb. 3, 2026).
[42] Return Home, https://returnhome.com/ (last visited Feb. 4, 2026).
[43] *Id.*
[44] *Id.*

Wait time for disposing of cremated remains

With respect to any person who intends to provide for the cremation of the deceased, if, after a period of 120 days from the time of cremation the cremated remains have not been claimed, the funeral or direct disposal establishment may dispose of the cremated remains.[45]

Insurable interest contracts

Except for group life or group accident, health, or disability insurance, an insurance policy on an individual's life may not be issued unless the individual being insured provides written consent to the policy and its terms at or before issuance.[46] An exception applies to insurance on the life of a child under age 15, which may be issued without the child's written consent if the applicant has an insurable interest in the child or in a person upon whom the child depends for support.[47]

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Insurance & Banking Subcommittee	15 Y, 0 N, As CS	2/3/2026	Brackett	Highsmith
THE CHANGES ADOPTED BY THE COMMITTEE:	• Amended the definition of "cremation" to include natural organic reduction. • Defined "natural organic reduction" and "natural organic reduction facility." • Removed provisions that would have limited causes of action arising out of violations of the Florida Funeral, Cemetery, and Consumer Services Act. • Removed a provision that prohibited the issuance of new direct disposer licenses and new direct disposal establishment licenses after a specified date. • Created a licensing framework and application process for natural organic reduction facilities. • Explicitly authorized natural organic reduction of human remains and establishes required procedures governing such reduction of human remains.			
Commerce Committee			Hamon	Highsmith

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.

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[45] S. 497.607, F.S.
[46] S. 627.404, F.S.
[47] *Id.*

A bill to be entitled

An act relating to final disposition, funeral, and cemetery services; amending s. 497.005, F.S.; revising and providing definitions; amending s. 497.164, F.S.; prohibiting solicitations of sales of final disposition, funeral, and cemetery services by licensees of such services under certain circumstances; amending s. 497.263, F.S.; revising land requirements for proposed cemeteries; amending s. 497.270, F.S.; conforming a provision to changes made by the act; amending ss. 497.369 and 497.374, F.S.; specifying educational and testing requirements for licensure as embalmers and funeral directors by endorsement, respectively; amending s. 497.375, F.S.; revising requirements for licensure for funeral director interns; amending s. 497.376, F.S.; specifying educational and testing requirements for licensure as both funeral directors and embalmers by endorsement; amending s. 497.377, F.S.; revising requirements for combination licensure as funeral director and embalmer interns; amending s. 497.386, F.S.; authorizing persons, establishments, and facilities licensed in final disposition, funeral, and cemetery services to dispose of human remains under certain circumstances; amending s. 497.459, F.S.;

revising requirements for notices to purchasers and legally authorized persons of unfulfilled preneed contracts; providing rulemaking authority; creating s. 497.6065, F.S.; requiring licensure of natural organic reduction facilities; providing requirements for the application for and approval of licensure; requiring the Department of Financial Services, the Department of Health, and the Department of Environmental Protection to adopt specified rules; providing requirements for licensure of such facilities, including licensure on a probationary basis; providing requirements for the renewal of such licenses and changes to licensure; providing requirements for the supervision of such facilities; requiring the adoption of standards for such facilities by rule; providing requirements for the practice of natural organic reduction and facilities conducting such practice; amending s. 497.607, F.S.; decreasing the waiting time period for funeral and direct disposal establishments to dispose of cremated remains; creating s. 497.6075, F.S.; providing requirements for the performance of natural organic reduction and reduced human remains; authorizing the Board of Funeral, Cemetery, and Consumer Services to adopt and enforce specified rules and regulations; amending s. 627.404, F.S.; excluding

preneed contracts from requirements that insured persons apply for or consent to such contracts and terms; providing an effective date.

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

Section 1. Subsections (50) through (79) of section 497.005, Florida Statutes, are renumbered as subsections (52) through (81), respectively, subsection (22) is amended, and new subsections (50) and (51) are added to that section, to read:

497.005 Definitions.—As used in this chapter, the term:

(22) "Cremation" means any mechanical or thermal process whereby a dead human body is reduced to ashes and bone fragments. Cremation also includes any other mechanical or thermal process whereby human remains are pulverized, burned, recremated, or otherwise further reduced in size or quantity, including natural organic reduction.

(50) "Natural organic reduction" means the contained, accelerated conversion of human remains to soil.

(51) "Natural organic reduction facility" means a structure, room, or other space in a building or a real property where natural organic reduction of a human body occurs.

Section 2. Subsection (6) is added to section 497.164, Florida Statutes, to read:

497.164 Solicitation of goods or services.—

(6) A licensee may not enter into a contract, agreement, or other arrangement whereby the licensee or any licensee's affiliate becomes the exclusive or sole provider of funeral, burial, cremation, refrigeration, embalming, or removal services for an entity that provides medical, palliative, or other end-of-life care and services to the general public.

Section 3. Paragraph (g) of subsection (2) of section 497.263, Florida Statutes, is amended to read:

497.263 Cemetery companies; license required; licensure requirements and procedures.—

(2) APPLICATION PROCEDURES.—

(g) The proposed cemetery must contain at least 30 ~~contiguous~~ acres. Such acreage must be contiguous, except that parcels of land divided solely by a public right-of-way or public road may be considered contiguous for purposes of this paragraph, provided that the parcels are in close proximity and form a unified cemetery property. The application shall state the exact number of acres in the proposed cemetery and shall identify any public rights-of-way or public roads dividing the parcels. Parcels located in separate or distant geographic areas, even if along the same roadway or corridor, do not satisfy the contiguity requirement.

Section 4. Subsection (2) of section 497.270, Florida Statutes, is amended to read:

497.270 Minimum acreage; sale or disposition of cemetery

lands.—

(2) Any lands owned by a licensee and dedicated for use by it as a cemetery, which meet the criteria for cemeteries provided in s. 497.263(2)(g) ~~are in excess of a minimum of 30 contiguous acres~~, may be sold, conveyed, or disposed of by the licensee, after obtaining written approval pursuant to procedures and utilizing forms specified by rule and consistent with subsection (3), for use by the new owner for other purposes than as a cemetery. All of the human remains which have been previously interred therein shall first have been removed from the lands proposed to be sold, conveyed, or disposed of; however, the provisions of ss. 497.152(8)(e) and 497.384 must be complied with prior to any disinterment of human remains. Any and all titles, interests, or burial rights which may have been sold or contracted to be sold in lands which are the subject of the sale shall be conveyed to and revested in the licensee prior to consummation of any such sale, conveyance, or disposition.

Section 5. Subsection (4) of section 497.369, Florida Statutes, is amended to read:

497.369 Embalmers; licensure as an embalmer by endorsement; licensure of a temporary embalmer.—

(4) Each applicant for licensure by endorsement must pass the examination on local, state, and federal laws and rules relating to the disposition of dead human bodies which is required under s. 497.368 and which shall be given by the

licensing authority, except that an applicant for licensure by endorsement under subparagraph (1)(b)1. need not meet any educational or testing requirement other than that required under s. 497.368(2)(a).

Section 6. Subsection (4) of section 497.374, Florida Statutes, is amended to read:

497.374 Funeral directing; licensure as a funeral director by endorsement; licensure of a temporary funeral director.—

(4) Each applicant for licensure by endorsement must pass the examination on local, state, and federal laws and rules relating to the disposition of dead human bodies which is required under s. 497.373 and which shall be given by the licensing authority, except that an applicant for licensure by endorsement under subparagraph (1)(b)1. need not meet any educational or testing requirement other than that required under s. 497.373(2)(b).

Section 7. Paragraph (b) of subsection (1) of section 497.375, Florida Statutes, is amended to read:

497.375 Funeral directing; licensure of a funeral director intern.—

(1)

(b)1. Except as provided in subparagraph 2., an applicant must hold the educational credentials required for licensure of a funeral director under s. 497.373(1)(d).

2. An applicant who has not completed the educational

credentials required for a funeral director license is eligible for licensure as a funeral director intern if the applicant:

a. Holds an associate degree or higher in any field from a college or university accredited by a regional accrediting agency recognized by the United States Department of Education.

b. Is currently enrolled in and attending a licensing authority-approved course of study in mortuary science or funeral service arts required for licensure of a funeral director under s. 497.373(1)(d)2.

~~c. Has taken and received a passing grade in a college credit course in mortuary law or funeral service law and has taken and received a passing grade in a college credit course in ethics.~~

Section 8. Subsection (3) is added to section 497.376, Florida Statutes, to read:

497.376 License as funeral director and embalmer permitted.—

(3) An applicant for a combination license as both a funeral director by endorsement under s. 497.374 and embalmer by endorsement under s. 497.369 need not meet any educational or testing requirements other than those required under ss. 497.373(2)(b) and 497.368(2)(a).

Section 9. Paragraph (a) of subsection (2) of section 497.377, Florida Statutes, is amended to read:

497.377 Combination funeral director and embalmer

internships.—

(2)(a) An applicant who has not completed the educational credentials required for a combination license as both funeral director and embalmer is eligible for licensure as a combination funeral director and embalmer intern if the applicant:

1. Is currently enrolled in and attending a college accredited by the American Board of Funeral Service Education (ABFSE) in a course of study in mortuary science accredited by ABFSE; or

2. Holds an associate degree or higher in any field from a college or university accredited by a regional accrediting agency recognized by the United States Department of Education.

~~2. Has completed at least 75 percent of the course of study in mortuary science as certified by the college in which the applicant is currently enrolled.~~

~~3. Has taken and received a passing grade in a college credit course in mortuary law or funeral service law and has taken and received a passing grade in a college credit course in ethics.~~

Section 10. Subsections (6) and (7) of section 497.386, Florida Statutes, are renumbered as subsections (7) and (8), respectively, and a new subsection (6) is added to that section to read:

497.386 Storage, preservation, and transportation of human remains.—

(6) If any human remains have been in the lawful possession of a licensee or licensed establishment or facility for at least 90 days and the legally authorized person of the decedent fails, neglects, or refuses to direct the disposition of the human remains, the licensee or licensed establishment or facility having lawful possession of the human remains may dispose of the human remains.

Section 11. Subsection (7) of section 497.459, Florida Statutes, is amended to read:

497.459 Cancellation of, or default on, preneed contracts; required notice.—

(7) NOTICE TO PURCHASER OR LEGALLY AUTHORIZED PERSON.—

(a) To ensure the performance of unfulfilled preneed contracts, upon the occurrence of the earliest of any of the following events, a preneed licensee shall provide to the purchaser or to the beneficiary's legally authorized person written notice of the preneed licensee's intent to distribute funds in accordance with the terms of the preneed contract, if any obligation of the preneed licensee remains to be fulfilled under the contract:

1. Fifty years after the date of execution of the preneed contract by the purchaser.

2. The beneficiary of the preneed contract attains the age of 105 years of age or older.

3. The social security number of the beneficiary of the

preneed contract, as shown on the contract, is contained within the United States Social Security Administration Death Master File.

(b)1. The notice in paragraph (a) must be provided by e-mail, certified mail, registered mail, or permitted delivery service~~, return receipt requested,~~ to the last known e-mail or mailing address of the purchaser or the beneficiary's legally authorized person, whichever is applicable, as provided to the preneed licensee. If the notice is returned as undeliverable within 30 calendar days after the preneed licensee sent the notice, the trustee shall perform a diligent search and inquiry to obtain a different e-mail address or address for the purchaser or the beneficiary's legally authorized person, whichever is applicable. ~~For purposes of this subparagraph, any address known and used by the purchaser or the beneficiary's legally authorized person, whichever is applicable, for sending regular mailings or other communications from the purchaser or the beneficiary's legally authorized person, whichever is applicable, to the preneed licensee or any address produced through a current address service or searchable database shall be included with other addresses produced from the diligent search and inquiry, if any. If the trustee's diligent search and inquiry produces an address different from the notice address, the trustee shall mail a copy of the notice by certified mail, registered mail, or permitted delivery service, return receipt~~

~~requested, to any and all addresses produced as a result of the diligent search and inquiry.~~

2. If the purchaser or the beneficiary's legally authorized person, whichever is applicable, fails to respond to such notice within 120 days after delivery of the last mailed notice under subparagraph 1., the funds held in trust must be distributed in accordance with the terms of the preneed contract, the trust agreement, and any applicable provisions of chapter 717.

(c) This subsection does not affect a purchaser's rights to cancel the preneed contract and receive a refund or a preneed licensee's obligations to refund established by this chapter.

(d)1. The board may adopt rules to implement this subsection.

2. The licensing authority may ~~shall have authority to~~ adopt rules for the review and approval of notice forms used by preneed licensees to provide notice under this subsection.

Section 12. Section 497.6065, Florida Statutes, is created to read:

497.6065 Natural organic reduction facility; license required.—

(1) LICENSE REQUIRED.—A person may not conduct, maintain, manage, or operate a natural organic reduction facility unless a license for such facility has been issued and is in good standing under this section.

(2) APPLICATION PROCEDURES.—

(a) A person seeking licensure as a natural organic reduction facility shall apply for such licensure using forms prescribed by rule.

(b) The application shall require the name, business address, residence address, date and place of birth or incorporation, and business telephone number of the applicant and all principals of the applicant. The application shall require the applicant's social security number or, if the applicant is an entity, its federal tax identification number.

(c) The application shall name the licensed funeral director and national or state certified natural organic reduction operator who will be in charge of the natural organic reduction facility.

(d) The application may require information as to the applicant's financial resources.

(e) The application may require information as to the educational and employment history of an individual applicant, and as to applicants that are not natural persons, the business and employment history of the applicant and principals of the applicant.

(f) The applicant shall be required to make disclosure of the applicant's criminal records, if any, as required by s. 497.142.

(g) The applicant and its principals shall submit

fingerprints in accordance with s. 497.142.

(h) The application shall require the applicant to disclose whether the applicant or any of the applicant's principals, including its proposed supervising licensee, has ever had a license or the authority to practice a profession or occupation refused, suspended, fined, denied, or otherwise acted against or disciplined by the licensing authority of any jurisdiction. A licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the license.

(i) The application shall require the applicant to demonstrate that the applicant does, or will before commencing operations under the license, comply with all requirements of this chapter relating to the licensure applied for.

(j) The application shall be signed in accordance with s. 497.141(12).

(k) There shall not be any licensure or license renewal fees for natural organic reduction facilities.

(3) ACTION CONCERNING APPLICATIONS.—A duly completed application for licensure under this section shall be approved if the licensing authority determines that the following conditions are met:

(a) The applicant has been inspected and approved as

meeting all requirements as set forth by the department, the Department of Health, the Department of Environmental Protection, or any local ordinance regulating the facility.

(b) The applicant is a natural person at least 18 years of age, a corporation, a partnership, or a limited liability company.

(c) The applicant does, or will before commencing operations under the license, comply with all requirements of this chapter relating to the license applied for.

(d) The applicant and the applicant's principals are of good character and have no demonstrated history of lack of trustworthiness or integrity in business or professional matters.

(4) RULEMAKING.—The department, the Department of Health, and the Department of Environmental Protection shall adopt rules establishing health and environmental inspection standards for natural organic reduction facilities.

(5) PROBATIONARY STATUS.—It is the policy of this state to encourage competition for the public benefit in the natural organic reduction facility business by, among other means, the entry of new licensees into that business. To facilitate issuance of licenses concerning applications judged by the licensing authority to be borderline as to qualification for licensure, the licensing authority may issue a new license under this section on a probationary basis, subject to conditions

specified by the licensing authority on a case-by-case basis, which conditions may impose special monitoring, reporting, and restrictions on operations for up to the first 24 months of licensure, to ensure the licensee's responsibleness, competency, financial stability, and compliance with this chapter. However, such a probationary license shall not be issued unless the licensing authority determines that issuance would not pose an unreasonable risk to the public, and the licensing authority must, within 24 months after issuance of the license, either remove the probationary status or determine that the licensee is not qualified for licensure under this chapter and institute proceedings for revocation of licensure.

(6) ISSUANCE OF LICENSE.—Upon approval of the application by the licensing authority, the license shall be issued.

(7) RENEWAL OF LICENSE.—Licenses under this section shall be renewed annually in accordance with a schedule, forms, and procedures established by rule.

(8) CHANGES SUBSEQUENT TO LICENSURE.—Each licensee under this section shall provide notice as required by rule before any change in location, ownership, or control of the licensee or licensed person in charge of the licensee's operations. A change in control is subject to approval by the licensing authority, and to reasonable conditions imposed by the licensing authority, for the protection of the public to ensure compliance with this chapter. Operations by the licensee at a new location may not

commence until an inspection by the licensing authority of the facilities, pursuant to rules of the licensing authority, has been conducted and passed at the new location.

(9) SUPERVISION OF FACILITIES.—Each natural organic reduction facility shall have a funeral director in charge for that facility. The funeral director in charge shall be licensed as a funeral director and a nationally certified or state-certified natural organic reduction operator. Such funeral director in charge shall be responsible for ensuring that the facility, its operations, and all persons employed in the facility comply with all applicable state and federal laws and rules. A funeral director in charge, with appropriate, active licenses, may serve as a funeral director in charge for not more than a total of two of the following: funeral establishments, centralized embalming facilities, direct disposal establishments, natural organic reduction facilities, or cinerator facilities, as long as the two locations are not more than 75 miles apart as measured in a straight line.

(10) REGULATION OF NATURAL ORGANIC REDUCTION FACILITIES.—

(a) There shall be established by rule standards for natural organic reduction facilities, including, but not limited to, requirements for refrigeration and storage of dead human bodies, use of forms and contracts, and record retention.

(b) The practice of natural organic reduction must be engaged in at a fixed location of at least 1,250 interior

contiguous square feet and must maintain or make arrangements for suitable capacity for the refrigeration and storage of dead human bodies handled and stored by the establishment.

(c) No more than one dead human body may be placed in an organic human reduction container at one time, unless written permission has been received from a legally authorized person for each body.

(d) Each natural organic reduction facility shall at all times be subject to the inspection of all its buildings, grounds, records, equipment, and vehicles used in the conduct of its business, by the department, the Department of Environmental Protection, the Department of Health, and local government inspectors and by their agents. Rules shall be adopted which establish such inspection requirements.

(e) Each natural organic reduction facility must display at its public entrance the name of the facility and the name of the funeral director in charge of that facility. A natural organic reduction facility must transact its business under the name by which it is licensed.

(f) Human remains may be transported in a cremation container or stored if they are completely covered and at all times treated with dignity and respect.

(g) Rules shall be adopted which require each facility to submit periodic reports to the department which include the names of persons undergoing natural organic reduction, the date

and county of death, the name of each person supervising each natural organic reduction, the name and license number of the establishment requesting natural organic reduction, the types of containers used to hold the body during the natural organic reduction process, the annual quantity of reduced human remains, and any additional information required by rule.

(h) The natural organic reduction facility may not offer its services to the public. The facility may only operate through a funeral establishment.

(i) Each natural organic reduction facility shall be inspected before the initial issuance of its license and annually thereafter and shall:

1. Be at a specific address or location.

2. Be at least 1,250 contiguous square feet of space.

3. Have at least one operable organic human reduction container.

4. Have at least one operable processing station for grinding of organically reduced remains.

5. Place human remains in an operable organic human reduction container within 8 hours after receipt, or maintain refrigeration that satisfies the standards set by the Department of Health and contains sufficient refrigerated space for the average daily number of bodies stored.

6. Maintain the premises in a clean and sanitary condition.

Section 13. Paragraph (a) of subsection (3) of section 497.607, Florida Statutes, is amended to read:

497.607 Cremation; procedure required.—

(3)(a) With respect to any person who intends to provide for the cremation of the deceased, if, after a period of 90 ~~120~~ days from the time of cremation the cremated remains have not been claimed, the funeral or direct disposal establishment may dispose of the cremated remains. Such disposal shall include scattering them at sea or placing them in a licensed cemetery scattering garden or pond or in a church columbarium or otherwise disposing of the remains as provided by rule.

Section 14. Section 497.6075, Florida Statutes, is created to read:

497.6075 Natural organic reduction; procedure required.-

(1) At the time of the arrangement for a reduction performed by any person licensed pursuant to this chapter, the legally authorized person contracting for reduction services shall be required to designate her or his intentions with respect to disposition of the reduced remains of the deceased in a signed declaration of intent which shall be provided by and retained by the funeral or direct disposal establishment. A reduction may not be performed until a legally authorized person gives written authorization, which may include the declaration of intent to dispose of the reduction remains, for such natural organic reduction process. The reduction must be initiated

within 48 hours after a specified time which has been agreed to in writing by the person authorizing the reduction. A funeral establishment making arrangements for a reduction shall not be responsible for or take possession of unclaimed reduced remains.

(2) Reduced remains are not property, as defined in s. 731.201, and are not subject to partition for purposes of distribution under s. 733.814. A division of reduced remains requires the consent of the legally authorized person who approved the reduction or, if the legally authorized person is the decedent, the next legally authorized person pursuant to s. 497.005(43). A dispute regarding the division of reduced remains shall be resolved by a court of competent jurisdiction.

(3) With respect to any person who intends to provide for the reduction of the deceased, if, after a period of 120 days from the time the reduction is finalized, the reduced remains have not been claimed, the funeral establishment may dispose of the reduced remains. Such disposal shall include placement within a conservation area or otherwise disposing of the remains as provided by rule.

(4) The board may adopt and enforce such rules and regulations as may be reasonable and necessary to provide for the sanitary disposal of dead human bodies by natural organic reduction and prevent the spread of disease and to protect the health, safety, and welfare of the people of this state. Such rules and regulations may include required inspections of any

natural organic reduction container by the manufacturer or other authorized repair company once every year to ensure proper operations.

(5) Upon completion of the reduction process, the reduced remains shall be pulverized until no single fragment is recognizable as skeletal tissue. Such pulverized remains shall then be transferred to a container or multiple containers, if so requested by the legally authorized person, and delivered to the legally authorized person or otherwise disposed of as set forth herein.

Section 15. Subsection (5) of section 627.404, Florida Statutes, is amended to read:

627.404 Insurable interest; personal insurance.—

(5) A contract of insurance upon a person, other than a preneed contract, a policy of group life insurance, or a policy of group or blanket accident, health, or disability insurance, may not be effectuated unless, on or before the time of entering into such contract, the person insured, having legal capacity to contract, applies for or consents in writing to the contract and its terms, except that any person having an insurable interest in the life of a minor younger than 15 years of age or any person upon whom a minor younger than 15 years of age is dependent for support and maintenance may effectuate a policy of insurance on the minor.

Section 16. This act shall take effect July 1, 2026.

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: CS/HB 1323	**COMPANION BILL:** CS/SB 1310 (Rodriguez)
TITLE: Railroad Crossing Safety	**LINKED BILLS:** None
SPONSOR(S): Tuck	**RELATED BILLS:** None

Committee References

Economic Infrastructure
15 Y, 0 N, As CS

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Commerce

SUMMARY

Effect of the Bill:
The bill directs the Florida Department of Transportation to conduct a statewide study on the potential cost and feasibility of implementing advanced detection and monitoring technology to increase safety at railroad crossings.

Fiscal or Economic Impact:
None.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill provides legislative findings that:

- Improving safety at railroad crossings is critical to protecting the lives of pedestrians, motorists, railway workers, and the general public.
- Advanced detection and monitoring systems at railroad crossings may provide a reliable means to reduce collisions and enhance situational awareness.
- Additional analysis is necessary to evaluate the effectiveness, feasibility, and costs of these systems. (Section 1).

The bill defines an advanced detection and monitoring system as a system capable of detecting and classifying objects such as pedestrians, vehicles, and obstructions at railroad crossings and their approaches using technologies such as sensors, high-resolution cameras, and data analytics. (Section 1).

The bill directs the Florida Department of Transportation (FDOT) to conduct a statewide study on the potential use of advanced detection and monitoring systems at public railroad crossings. The study must include, but is not limited to, an analysis of:

- Available advanced monitoring technologies applicable to railroad crossings;
- The effectiveness of these technologies in improving safety outcomes based on available data from pilot programs, deployments in other jurisdictions, or academic research;
- Technical and operational considerations, including compatibility with existing safety systems and protocols;
- Costs associated with deployment of these systems;
- Criteria for identifying high-risk crossings that may benefit most from these systems;
- Potential funding, including federal funds, state funds, grants, or public-private partnerships;
- Legal, regulatory, and operational considerations related to deployment and oversight of the systems; and
- The respective roles of the state, local governments, and railroad owners in potential implementation of the systems. (Section 1)

In conducting the study, FDOT must consult with, as appropriate:

- Railroad owners and industry representatives;
- Local governments with jurisdiction over public railroad crossings;
- Transportation safety experts and academic institutions; and
- Federal agencies or national organizations with expertise in railroad safety.

By December 1, 2026, FDOT must submit a report of its findings and any policy recommendations to the Governor, President of the Senate, and Speaker of the House of Representatives. The report may include potential policy options for legislative considerations, but may not recommend mandatory installations, or upgrades, of technology at railroad crossings. (Section 1).

The bill provides an effective date of July 1, 2026. (Section 2).

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Florida Department of Transportation (FDOT)

FDOT's mission is to provide a safe statewide transportation system that promotes the efficient movement of people and goods, supports the state's economic competitiveness, prioritizes Florida's environment and natural resources, and preserves the quality of life and connectedness of the state's communities.[1]

Florida Rail Safety Coalition

The Florida Rail Safety Coalition (FRSC) was established by FDOT in 2024 to enhance public rail safety across the state. FRSC consists of rail industry partners at local, state, and federal levels, including but not limited to subject matter experts and FDOT team members.[2] Driver and pedestrian behavior was determined to be the most critical and urgent rail safety issue by FRSC at its formation.[3] In response, FRSC and FDOT have started campaigns such as the Be Rail Smart initiative, which focuses on accident prevention and educating the public about rail crossing safety awareness and proper procedure.[4] According to data gathered by FDOT, 88% of Highway-Rail Grade Crossing accidents between 2013-2022 involved stopping on the crossing, going around gates, not stopping, stopping then proceeding, or going through gates.[5] A large portion of the Be Rail Smart initiative focuses on teaching citizens to avoid these preventable behaviors.

AI Analytics & High-Resolution Cameras

The use of artificial intelligence and data analytics in railway safety is creating new possibilities for proactive and predictive safety management, as opposed to traditional reactive protocols. A Deloitte 2024 study found that AI-enabled predictive maintenance can reduce accident risks by up to 25% while potentially saving millions in operational costs annually.[6] AI algorithms can analyze data provided by high-resolution sensors and cameras to forecast equipment failures before they occur.[7] Analytics models can also help railway managers prioritize safety investment in high-risk areas and increase response times in comparison to manual oversight alone.[8]

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[1] FDOT, *About DOT*, https://www.fdot.gov/agencyresources/aboutfdot.shtm (last visited Jan. 28, 2026).
[2] FDOT, Florida Rail Safety Coalition, https://www.fdot.gov/rail/programs/florida-rail-safety-coalition (last visited Jan. 29, 2026).
[3] FDOT, *Florida Rail Safety Coalition Presentation*, https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/rail/programs/florida-rail-safety-coalition/frsc-presentation_2024-11-14.pdf?sfvrsn=d9e88546_1 (last visited Jan. 29, 2026).
[4] FDOT, Be Rail Smart, https://www.fdot.gov/agencyresources/be-rail-smart/ (last visited Jan. 29, 2026).
[5] FDOT, Florida Rail Safety Coalition, https://www.fdot.gov/rail/programs/florida-rail-safety-coalition (last visited Jan. 29, 2026).
[6] Railway Academy, *How AI and Data Analytics are Redefining Safety in Rail Operations*, https://railwayacademy.org/how-ai-and-data-analytics-are-redefining-safety-in-rail-operations/ (last visited Feb. 2, 2026).
[7] *Id*.
[8] *Id*.

LiDAR Sensors

LiDAR, which stands for Light Detection and Ranging, is a remote sensing method that uses light in the form of a pulse laser to measure ranges of the Earth.[9] This information generates precise, three-dimensional information about the shape of the Earth and its surface characteristics.[10] These sensors are an innovative method of collecting geospatial data identifying the geographic location and characteristics of natural or manmade features on Earth.[11] This data is tied to specific coordinates such as latitude, longitude, and altitude, allowing for analysis of spatial patterns, relationships, and trends.[12]

Public-private Partnerships

Public-private partnerships (P3s) are contractual arrangements between public entities and private sector entities[13] that facilitate increased private sector involvement in the funding and execution of public building and infrastructure projects.[14] These agreements enable the collaboration of skills and assets from both public and private sectors to provide services or facilities for the benefit of the general public.

Responsible public entities (RPEs)[15] may engage in P3 projects aimed at developing an extensive array of public-use facilities or projects that fulfill a public purpose. Examples of qualifying projects[16] include those for mass transit, vehicle parking, airports or seaports, educational facilities, and public sector buildings or complexes such as courthouses or city halls. RPEs must adhere to specific requirements, including protocols for reviewing and approving proposals

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Economic Infrastructure Subcommittee	15 Y, 0 N, As CS	2/4/2026	Keating	Dallas
THE CHANGES ADOPTED BY THE COMMITTEE:	Removed provisions requiring the implementation of new technologies at railroad crossings and directed FDOT to conduct a study on the potential costs and effectiveness of these technologies.			
Commerce Committee			Hamon	Dallas

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[9] Florida Geographic Information Office, *LiDAR Resources*, https://www.floridagio.gov/pages/lidar-resources (last visited Jan. 29, 2026).
[10] *Id*.
[11] Advanced Navigation, *Geospatial Data*, https://www.advancednavigation.com/glossary/geospatial-data/ (last visited Jan. 29, 2026).
[12] *Id*.
[13] "Private entity" means any natural person, corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, nonprofit entity, or other private business entity. S. 255.065(1)(g), F.S.
[14] S. 255.065(2)(b), F.S.
[15] "Responsible public entity" means a county, municipality, school district, special district, or any other political subdivision of the state; a public body corporate and politic; or a regional entity that serves a public purpose and is authorized to develop or operate a qualifying project. S. 255.065(1)(j), F.S.
[16] "Qualifying project" means a facility or project that serves a public purpose; an improvement, including equipment, of a building that will be principally used by a public entity or the public at large or that supports a service delivery system in the public sector; a water, wastewater, or surface water management facility or other related infrastructure; or projects that involve a facility owned or operated by the governing board of a county, district, or municipal hospital or health care system, or projects that involve a facility owned or operated by a municipal electric utility, only those projects that the governing board designates as qualifying projects. S. 255.065(1)(i), F.S.

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.

A bill to be entitled

An act relating to railroad crossing safety; creating s. 351.38, F.S.; providing legislative findings and intent; providing definitions; requiring the Department of Transportation to conduct a statewide study on advanced detection and monitoring systems at railroad crossings; specifying the scope of the study; requiring the department to consult with specified entities; requiring a report to the Governor and Legislature by a specified date; providing an effective date.

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

Section 1. Section 351.38, Florida Statutes, is created to read:

351.38 Railroad crossing safety technology study.—

(1) The Legislature finds that improving safety at railroad crossings is critical to protecting the lives of pedestrians, motorists, railway workers, and the general public. Advanced detection and monitoring systems utilizing technologies such as sensors, high-resolution cameras, and data analytics may provide a reliable means to enhance situational awareness and reduce collisions at railroad crossings. The Legislature further finds that additional analysis is necessary to evaluate the

CODING: Words stricken are deletions; words underlined are additions.

effectiveness, feasibility, costs, and implementation of such systems. It is the intent of the Legislature to direct the Department of Transportation to study these technologies before considering any statewide requirements for their deployment.

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

(a) "Advanced detection and monitoring system" means a system capable of detecting and classifying objects such as pedestrians, vehicles, or other obstructions at or approaching a railroad crossing using technologies including, but not limited to, sensors, high-resolution cameras, and data analytics.

(b) "Public railroad-highway grade crossing" has the same meaning as in s. 335.141(1)(b).

(3) The Department of Transportation shall conduct a statewide study on the potential use of advanced detection and monitoring systems at public railroad-highway grade crossings in this state. The study must include, but is not limited to, an analysis of:

(a) Available and emerging advanced detection and monitoring technologies applicable to railroad crossings.

(b) The effectiveness of such technologies in improving safety outcomes, including collision prevention and hazard mitigation, based on available data from pilot programs, deployments in other jurisdictions, or academic research.

(c) Technical and operational considerations, including interoperability with existing railroad safety systems and operating protocols.

(d) Costs associated with the deployment of advanced detection and monitoring systems, including installation, operation, maintenance, and long-term lifecycle costs.

(e) Potential funding mechanisms, including federal funds, state funds, grants, or public-private partnerships.

(f) Criteria for identifying higher-risk railroad crossings where such technologies may provide the greatest safety benefit.

(g) Legal, regulatory, and operational considerations related to the deployment and oversight of advanced detection and monitoring systems.

(h) The respective roles of this state, local governments, and railroad owners in the potential implementation of such systems.

(4) In conducting the study, the Department of Transportation shall consult with, as appropriate:

(a) Railroad owners and railroad industry representatives.

(b) Local governments with jurisdiction over public railroad-highway grade crossings.

(c) Transportation safety experts and academic institutions.

(d) Federal agencies or national organizations with expertise in railroad safety.

(5) By December 1, 2026, the Department of Transportation shall submit a report of its findings and any recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report may include potential policy options for legislative consideration but may not recommend mandatory installation or upgrade of railroad crossings.

Section 2. This act shall take effect July 1, 2026.