

The Florida Senate

2026 Florida Statutes

<u>Title XII</u> MUNICIPALITIES	<u>Chapter 166</u> MUNICIPALITIES <u>Entire Chapter</u>	SECTION 033 Development permits and orders; development preapplication consulting services program required.
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166.033 Development permits and orders; development preapplication consulting services program required.—

(1)(a) By January 1, 2027, each municipality with a population of 10,000 or greater shall create and implement a program for the purpose of making available development preapplication consultation services at an applicant's request. This subsection may not be construed to affect or require the modification of a municipal program that makes available the same or substantially similar development preapplication consulting services to an applicant for a development permit or development order, including a program that requires mandatory preapplication meetings for specified types of developments, if such municipal program exists on or before July 1, 2026.

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

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

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

1. The minimum information that must be submitted in an application for a permit as defined in s. [163.3169](#).
2. The review and precertification of completeness of the application and all related documents, including site engineering plans or site plans or their functional equivalent, or plats, and their compliance with all relevant existing land development regulations.

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

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

2. If the municipality fails to take final action to approve, approve with conditions, or deny the application within the 45 days, the applicant shall notify the municipality in writing. If the municipality fails to respond within 10 days,

the application is deemed approved by operation of law without conditions, and the applicant is entitled to proceed with the proposed activity or development as though the municipality had granted unconditional approval. Approval pursuant to this subparagraph may not be construed to relieve the applicant of the obligation to comply with all other applicable federal, state, and local laws, regulations, and ordinances.

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

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

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

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

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

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

The timeframes contained in this paragraph do not apply in an area of critical state concern, as designated in s. [380.0552](#) or chapter 28-36, Florida Administrative Code. The timeframes contained in this paragraph restart if an applicant makes a substantive change to the application. As used in this paragraph, the term "substantive change" means an applicant-initiated change of 15 percent or more in the proposed density, intensity, or square footage of a parcel.

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) As used in this section, the terms “development permit” and “development order” have the same meaning as in s. [163.3164](#), but do not include building permits.

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

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

(6) The amount of any application fee associated with a development permit or development order must reasonably relate to the direct and reasonable indirect costs associated with the review, processing, and final disposition of the application and must be published on the municipality’s fee schedule. The fee may not be based on a percentage of construction costs, site costs, or project valuation.

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

History.—s. 2, ch. 2006-88; s. 3, ch. 2012-205; s. 3, ch. 2013-92; s. 3, ch. 2013-193; s. 2, ch. 2013-213; s. 8, ch. 2019-165; s. 3, ch. 2021-224; s. 6, ch. 2025-177; s. 2, ch. 2026-7; s. 3, ch. 2026-64.

¹**Note.**—Substituted for a reference to paragraph (a) by the editors to conform to the redesignation of paragraph (3)(a) as subparagraph (2)(c)1. by s. 3, ch. 2026-64.

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