

Introduced by Council Member Diamond and Co-Sponsored by Council Members Amaro, Arias, Boylan, J. Carlucci, Carlucci, Carrico, Clark-Murray, Freeman, Gaffney, Jr., Gay, Howland, Johnson, Lahnen, Miller, Peluso, Pittman, Salem and White and substituted and twice amended on the Floor of Council:

ORDINANCE 2026-363-E

AN ORDINANCE PERTAINING TO THE CODE OF SUBDIVISION REGULATIONS; AMENDING SECTION 654.106 (DEFINITIONS), CHAPTER 654 (CODE OF SUBDIVISION REGULATIONS), *ORDINANCE CODE*, TO PROVIDE DEFINITIONS FOR "PRIVATE PROVIDER" AND "PRIVATE PROVIDER FIRM"; CREATING A NEW SECTION 654.144 (PRIVATE PROVIDERS), CHAPTER 654 (CODE OF SUBDIVISION REGULATIONS), *ORDINANCE CODE*, TO ALLOW PRIVATE PROVIDERS AND PRIVATE PROVIDER FIRMS TO PROVIDE REVIEW AND APPROVAL OF SUBDIVISION PLANS, ENGINEERING PLANS, PRELIMINARY PLATS, PLATS, LANDSCAPING PLANS, AND OTHER ITEMS OTHERWISE SUBJECT TO REVIEW BY THE PUBLIC WORKS DEPARTMENT, DEVELOPMENT SERVICES DIVISION, THE DIRECTOR OF THE PUBLIC WORKS DEPARTMENT, OR OTHER REVIEWING ENTITY OR INDIVIDUAL AS AUTHORIZED BY SECTION 553.791, *FLORIDA STATUTES*; PROVIDING FOR CODIFICATION INSTRUCTIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, transparency, consistency and efficiency are vital to local government decision making on permitting; and

WHEREAS, delays and inconsistencies in permitting decisions

frustrate applicants and increase the cost of permitting; and

WHEREAS, delays in the review and issuance of permits increase the cost of housing and operating a business; and

WHEREAS, requiring that professional engineers review plans and permits is in the interest of the public welfare; and

WHEREAS, as opposed to the review by public entities, which are protected from lawsuits by sovereign immunity, private entities, in undertaking review of permits, expose their license, their professional reputation, their insurance coverage and their livelihood; and

WHEREAS, Section 553.791, *Florida Statutes*, expressly allows for "plans" to be reviewed by private providers, where the term "plans" includes review of site engineering plans, site plans or their functional equivalent; now therefore

BE IT ORDAINED by the Council of the City of Jacksonville:

Section 1. Recitals. The recitals above are true and correct and incorporated herein by this reference.

Section 2. Amending Section 654.106 (Definitions), Chapter 654 (Code of Subdivision Regulations), Ordinance Code. Section 654.106 (Definitions), Chapter 654 (Code of Subdivision Regulations), *Ordinance Code*, is hereby amended to read as follows:

CHAPTER 654 - CODE OF SUBDIVISION REGULATIONS

* * *

Sec. 654.106. - Definitions.

* * *

Preliminary plat means a preliminary drawing of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land.

Private provider means: (1) licensed building code administrators pursuant to Part XII of Chapter 468, *Florida Statutes*,

1 for building additions and alterations that are limited to 1,000
2 square feet or less to residential buildings; (2) engineers licensed
3 pursuant to Chapter 471, Florida Statutes; (3) architects licensed
4 pursuant to Chapter 481, Florida Statutes; and (4) for purposes of
5 performing inspections for additions and alterations that are limited
6 to 1,000 square feet or less to residential buildings, persons
7 certified pursuant to Part XII of Chapter 468, Florida Statutes.

8 Private provider firm means a business organization, including
9 a corporation, partnership, business trust, or other legal entity,
10 which offers professional services through licensees who are acting
11 as agents, employees, officers, or partners of the firm. A person who
12 is licensed as a building code administrator under part XII of chapter
13 468, F.S., an engineer under chapter 471, F.S., or an architect under
14 chapter 481, F.S. may act as a private provider for an agent,
15 employee, or officer of the private provider firm.

16 *Required improvement* means streets, sidewalks, curbs and
17 gutters, water systems, sanitary sewer systems, storm drainage
18 systems and other improvements as may be required by the City.

19 * * *

20 **Section 3. Creating a New Section 654.144 (Private**
21 **Providers), Chapter 654 (Code of Subdivision Regulations), Ordinance**
22 **Code.** A new Section 654.144 (Private Providers), Chapter 654 (Code
23 of Subdivision Regulations), *Ordinance Code*, is hereby created to
24 read as follows:

25 **Sec. 654.144.- Private Providers.**

26 (a) Notwithstanding any other law, ordinance or policy, a fee
27 owner, or the fee owner's contractor upon written
28 authorization from the fee owner, may choose to use a private
29 provider to provide review and approval of: subdivision
30 plans, engineering plans, preliminary plats, plats,
31 landscaping plans, or any other item which otherwise would be

1 reviewed by the Department, Development Services Division,
2 the Director, or other reviewing entity or individual as
3 authorized under the Ordinance Code which concern the
4 approval of plans or any subpart of plans as said term is
5 defined and used in Section 553.791, *Florida Statutes*. At the
6 fee owner or fee owner's contractor's election, the review by
7 a private provider or private provider firm may include any
8 required pre-application meetings. The fee owner or fee
9 owner's contractor may elect to use a private provider for
10 some or all of the areas of review. All such services shall
11 be the subject of a written contract between the private
12 provider or the private provider's firm, and the fee owner or
13 the fee owner's contractor, upon written authorization of the
14 fee owner.

15 (b) A private provider or private provider firm may not conduct
16 a review of any plans for which the private provider or the
17 private provider firm is an owner of the property subject to
18 the submitted plans or provided any professional services in
19 developing the submitted plans.

20 (c) Any private provider or private provider firm performing
21 reviews shall, by sworn affidavit, under penalty of perjury,
22 certify their familiarity with and review of:

- 23 (1) All Department training materials;
- 24 (2) All applicable Florida Statutes;
- 25 (3) The City of Jacksonville Ordinance Code;
- 26 (4) The City of Jacksonville Land Development Procedures
27 Manual; and
- 28 (5) all applicable City standards.

29 (d) As required by Section 553.791(2)(b), *Florida Statutes*, if
30 the fee owner or fee owner's contractor retains a private
31 provider or private provider firm for purposes of plans review

1 services, the permit fee must be reduced by the amount of
2 cost savings realized by the Department for not having to
3 perform such services. Such reduction may be calculated on a
4 flat fee or percentage basis, or any other reasonable means
5 by which the Department assesses the cost for its review
6 services.

7 (e) If the fee owner or fee owner's contractor retains a private
8 provider or private provider firm, the Department must
9 provide equal access to all permitting and inspection
10 documents and reports to the private provider, owner, and
11 contractor if such access is provided by software that
12 protects exempt records from disclosure.

13 (f) A private provider or private provider firm performing a
14 review under this Section shall determine compliance with
15 applicable codes. Upon determining that the matter reviewed
16 complies with applicable codes, the private provider or
17 private provider firm shall prepare an affidavit or
18 affidavits certifying, under oath, that the following is true
19 and correct to the best of the private provider's knowledge
20 and belief:

21 (1) The matters were reviewed by the affiant, who is duly
22 authorized to perform said review pursuant to this
23 Section and holds the appropriate professional license
24 or certification to conduct such review.

25 (2) The matters reviewed comply with applicable codes, laws
26 and regulations.

27 (g) Such affidavit may bear a written or electronic signature and
28 may be submitted electronically to the Department or
29 appropriate City agency. If the private provider is a person
30 professionally licensed or certified and affixes his or her
31 professional seal, license number, and/or certification to

1 the affidavit required under this subsection, the Department
2 must issue the requested permit or provide a written notice
3 to the permit applicant identifying how the affidavit does
4 not comply with this subsection within 10 business days after
5 receipt of the permit application and affidavit. In such
6 written notice, the Department must specifically provide the
7 plan's deficiencies, the reasons the permit application
8 failed, and the applicable codes being violated. The local
9 official may not replicate the review performed by the private
10 provider.

11 (h) If the local official does not provide specific written notice
12 to the permit applicant within the prescribed 10-day period,
13 the matter is deemed approved as a matter of law, and the
14 Department must issue the approval on the next business day.

15 (i) For any review involving compliance with Federal Emergency
16 Management Agency (FEMA) standards, the private provider or
17 private provider firm shall provide to the Department all
18 documentation required for FEMA auditing.

19 (j) For any large project – defined as a project consisting of
20 1,000 linear feet or more of right-of-way that will be
21 accepted and/or maintained by the City – the private provider
22 or private provider firm shall submit the affidavit for an
23 initial review no fewer than 10 business days prior to the
24 affidavit being submitted.

25 **Section 4. Codification Instructions.** The Codifier and the
26 Office of General Counsel are authorized to make all chapter and
27 division "tables of contents" consistent with the changes set forth
28 herein. Such editorial changes and any other changes necessary to
29 make the *Ordinance Code* consistent with the intent of this legislation
30 are approved and directed herein, and changes to the *Ordinance Code*
31 shall be made forthwith and when inconsistencies are discovered.

Section 5. Effective Date. This Ordinance shall become effective upon signature by the Mayor or upon becoming effective without the Mayor's signature.

Form Approved:

/s/ Mary E. Staffopoulos

Office of General Counsel

Legislation Prepared By: Terrence L. Harvey

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