

1 The Rules Committee offers the following Substitute to File No. 2026-
2 363:

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4 Introduced by Council Member Diamond:

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7 **ORDINANCE 2026-363**

8 AN ORDINANCE PERTAINING TO THE CODE OF
9 SUBDIVISION REGULATIONS; AMENDING SECTION
10 654.106 (DEFINITIONS), CHAPTER 654 (CODE OF
11 SUBDIVISION REGULATIONS), *ORDINANCE CODE*, TO
12 PROVIDE DEFINITIONS FOR "PRIVATE PROVIDER" AND
13 "PRIVATE PROVIDER FIRM"; CREATING A NEW SECTION
14 654.144 (PRIVATE PROVIDERS), CHAPTER 654 (CODE
15 OF SUBDIVISION REGULATIONS), *ORDINANCE CODE*, TO
16 ALLOW PRIVATE PROVIDERS AND PRIVATE PROVIDER
17 FIRMS TO PROVIDE REVIEW AND APPROVAL OF
18 SUBDIVISION PLANS, ENGINEERING PLANS,
19 PRELIMINARY PLATS, PLATS, LANDSCAPING PLANS, AND
20 OTHER ITEMS OTHERWISE SUBJECT TO REVIEW BY THE
21 PUBLIC WORKS DEPARTMENT, DEVELOPMENT SERVICES
22 DIVISION, THE DIRECTOR OF THE PUBLIC WORKS
23 DEPARTMENT, OR OTHER REVIEWING ENTITY OR
24 INDIVIDUAL AS AUTHORIZED BY SECTION 553.791,
25 *FLORIDA STATUTES*; PROVIDING FOR CODIFICATION
26 INSTRUCTIONS; PROVIDING AN EFFECTIVE DATE.

27
28 **WHEREAS**, transparency, consistency and efficiency are vital to
29 local government decision making on permitting; and

30 **WHEREAS**, delays and inconsistencies in permitting decisions
31 frustrate applicants and increase the cost of permitting; and

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

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

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

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

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

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

17 **Section 2. Amending Section 654.106 (Definitions), Chapter**
18 **654 (Code of Subdivision Regulations), Ordinance Code.** Section
19 654.106 (Definitions), Chapter 654 (Code of Subdivision Regulations),
20 *Ordinance Code*, is hereby amended to read as follows:

21 **CHAPTER 654 - CODE OF SUBDIVISION REGULATIONS**

22 * * *

23 **Sec. 654.106. - Definitions.**

24 * * *

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

29 *Private provider* means a person professionally licensed or
30 certified in their respective field.

31 *Private provider firm* means a business organization, including

1 a corporation, partnership, business trust, or other legal entity,
2 which offers professional services through licensees who are acting
3 as agents, employees, officers, or partners of the firm. A person who
4 is a private provider may act as a private provider for an agent,
5 employee, or officer of the private provider firm.

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

9 * * *

10 **Section 3. Creating a New Section 654.144 (Private**
11 **Providers), Chapter 654 (Code of Subdivision Regulations), Ordinance**
12 **Code.** A new Section 654.144 (Private Providers), Chapter 654 (Code
13 of Subdivision Regulations), *Ordinance Code*, is hereby created to
14 read as follows:

15 **Sec. 654.144.- Private Providers.**

16 (a) Notwithstanding any other law, ordinance or policy, a fee
17 owner, or the fee owner's contractor upon written
18 authorization from the fee owner, may choose to use a private
19 provider to provide review and approval of: subdivision
20 plans, engineering plans, preliminary plats, plats,
21 landscaping plans, or any other item which otherwise would be
22 reviewed by the Department, Development Services Division,
23 the Director, or other reviewing entity or individual as
24 authorized under the Ordinance Code which concern the
25 approval of plans or any subpart of plans as said term is
26 defined and used in Section 553.791, *Florida Statutes*. At the
27 fee owner or fee owner's contractor's election, the review by
28 a private provider or private provider firm may include any
29 required pre-application meetings. The fee owner or fee
30 owner's contractor may elect to use a private provider for
31 some or all of the areas of review. All such services shall

1 be the subject of a written contract between the private
2 provider or the private provider's firm, and the fee owner or
3 the fee owner's contractor, upon written authorization of the
4 fee owner.

5 (b) A private provider or private provider firm may not conduct
6 a review of any plans for which the private provider or the
7 private provider firm is an owner of the property subject to
8 the submitted plans or provided any professional services in
9 developing the submitted plans.

10 (c) As required by Section 553.791(2)(b), *Florida Statutes*, if
11 the fee owner or fee owner's contractor retains a private
12 provider or private provider firm for purposes of plans review
13 services, the permit fee must be reduced by the amount of
14 cost savings realized by the Department for not having to
15 perform such services. Such reduction may be calculated on a
16 flat fee or percentage basis, or any other reasonable means
17 by which the Department assesses the cost for its review
18 services.

19 (d) If the fee owner or fee owner's contractor retains a private
20 provider or private provider firm, the Department must
21 provide equal access to all permitting and inspection
22 documents and reports to the private provider, owner, and
23 contractor if such access is provided by software that
24 protects exempt records from disclosure.

25 (e) A private provider or private provider firm performing a
26 review under this Section shall determine compliance with
27 applicable codes. Upon determining that the matter reviewed
28 complies with applicable codes, the private provider or
29 private provider firm shall prepare an affidavit or
30 affidavits certifying, under oath, that the following is true
31 and correct to the best of the private provider's knowledge

1 and belief:

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

6 (2) The matters reviewed comply with applicable codes, laws
7 and regulations.

8 (f) Such affidavit may bear a written or electronic signature and
9 may be submitted electronically to the Department or
10 appropriate City agency. If the private provider is a person
11 professionally licensed or certified and affixes his or her
12 professional seal, license number, and/or certification to
13 the affidavit required under this subsection, the Department
14 must issue the requested permit or provide a written notice
15 to the permit applicant identifying how the affidavit does
16 not comply with this subsection within 10 calendar days after
17 receipt of the permit application and affidavit. In such
18 written notice, the Department must specifically provide the
19 affidavit's deficiencies. The local official may not
20 replicate the review performed by the private provider.

21 (g) If the local official does not provide specific written notice
22 to the permit applicant within the prescribed 10-day period,
23 the matter is deemed approved as a matter of law, and the
24 Department must issue the approval on the next business day.

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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