

Florida Board Certified Construction attorney, and FHBA Government Affairs Chair Justin Zinzow provides weekly ongoing insights into the 2026 Florida Legislative Session. His update will focus on how legislative shifts impact the construction industry.

## 2026 BOOTS ON THE GROUND IN TALLAHASSEE WEEKLY LEGISLATIVE SESSION UPDATE

FL BOARD CERTIFIED CONSTRUCTION ATTORNEY

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WEEK 1 ISSUE 1

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# A MESSAGE FROM OUR CEO

## Tradition Redefined: A Vision for Florida 2026



As we look toward the **Florida 2026 Legislative Session**, I am reminded that the foundation of our great state is built not just by the hands of our laborers but by the strength of our resolve. At Zinzow Law, we have always believed in "Tradition Redefined"—honoring the timeless values of hard work and integrity while fearlessly advocating for the future of those who Build America.

Legislative change can often feel like a distant storm, but in reality, it is the very ground upon which we stand. Whether we are navigating the complexities of new Construction Law or advocating for the rights of our industry leaders in Tallahassee, our mission remains the same: to be a zealous counselor and a steadfast partner in your growth.

As the **Chair of Governmental Affairs** for the Florida Home Builders Association(FHBA), I am committed to ensuring that our representative government continues to listen to the voices of the patriots and advocates who drive our economy forward. The 2026 session is our opportunity to ensure Florida remains a place where industry thrives, and where the "bread of labor" is protected from overreach.

We don't just practice the law; we live by a code. This session, let us be defined by our **determination** rather than our doubts. Together, we will continue to build and protect the American Dream.

Stay strong, stay focused, and let's get to work.

Sincerely,

A handwritten signature in blue ink, appearing to read "Justin R. Zinzow".

Admitted to Practice Florida & Texas  
AV Preeminent® Rated Attorney  
Fla. Board Certified in Construction Law



**JUSTIN R. ZINZOW**  
**GOVERNMENT AFFAIRS**  
**CHAIR**

# 1. Legislative Session-Week 1

This report is intended to summarize relevant bills and issues which could impact the construction and development industry. Each bill referenced below has its official Senate and House Bill number should the reader wish to dive into further detail. Much will change as session progresses, and each week I will provide an updated report, with a detailed and authoritative report called New Laws to Live By following the close of session in March.

## a. Permitting Procedures, Timelines, and Requirements (SB 1234/HB 803):

This bill indicates that a building permit for a single-family dwelling expires either 180 days after permit issue or the effective date of the next edition of the Florida Building Code, whichever is later. It requires modification of the FBC to eliminate building permits for the installation of certain residential hurricane and floor protection walls or barriers. It eliminates building permits for single family residential work valued at less than \$7,500 (unless it is plumbing, electrical, or structural). It prohibits local government from interfering, through fees or action, from use of private providers. For example, it prohibits harassing or auditing private providers unless the local building official has actual knowledge that documents submitted by the private provider are incomplete or incorrect or the private provider has failed to perform required inspections and government has first provided notice and an opportunity to cure. Local government can only review private provider submissions for completeness, not for accuracy or compliance with FBC; government must defer to the private provider. It prohibits local government from requiring a copy of the private provider agreement and clarifies how the permit fees must be reduced if a private provider is utilized. It requires the Florida Building Commission to develop a uniform building permit application or use by all jurisdictions. As it concerns single family residential projects, local government must approve, approve with conditions, or deny a permit application within 5 business days where a private provider is not being utilized and where the value of the work is less than \$15,000. It prohibits homeowners' associations from requiring an issued building permit before the association performs an architectural review for compliance with association documents.

## b. Procuring Vertical Construction Building Permits While Awaiting Approval for Onsite Sewage Treatment and Disposal Systems (SB 698/HB 589):

To eliminate delays in residential construction where onsite sewage treatment and disposal systems will be utilized, this bill prohibits local government from requiring a permit for such systems before the building permit itself can be issued and other construction commenced.

## c. Impact Fees (SB 548/HB 1139):

This bill revises SB 1080 (2025) by defining extraordinary circumstances, requiring a plan based methodology and defining what that means, and indicating that for extraordinary circumstances to exist at least four of seven conditions must be proven to exist. Local government is prohibited from using data older than 4 years.

The bill provides for prevailing party's attorney's fees in litigation against local government which violates the impact fee restrictions.

**d. Public Sector Commercial Construction (SB 526/HB 405):**

This bill declares as unenforceable provisions in public construction contracts that waive, release, or extinguish the rights of a contractor to obtain time extensions and additional compensation caused by certain delays. The bill also requires the Florida Building Commission to develop a uniform building permit application or use by all jurisdictions. It authorizes relevant agencies to perform simultaneous plan reviews to speed up the permitting process. Where private providers are used, it specifies a 50% or 75% reduction in permit fee depending on the private provider's scope of services.

**e. Affordable Housing (SB 048/HB 313):**

To aid in the creation of more affordable housing solutions, this bill grants the right to build an accessory dwelling unit in any area zoned for single family housing and prohibits local government from enacting or enforcing rules which prohibit renting or leasing, require that the owner of the parcel residence in the primary dwelling unit, or require increased parking requirements or replacement of parking if an existing garage is converted to a dwelling unit.

**f. Stormwater Systems Standards, Permitting, and Requirements (SB 848/HB 1457):**

This bill defines "compensating stormwater treatment" and "total land area", requires compensating stormwater treatment to comply with certain provisions unless certain circumstances exist, authorizes entities to apply for a water quality enhancement area provisional permit under certain circumstances, and authorizes mitigation measures or enhancement credits intended to address certain impacts to be generated by third parties and sold and transferred to environmental resource permit applicants pursuant to specified provisions.

**g. Florida Building Code & Use of Excess Building Permit Fees for Stormwater (SB 1614/HB 1169):**

Among other things, this bill upends the longstanding rule that excess building permit fees cannot be used outside of the building department. It seeks to let such excess be used by local government to perform service and repair to stormwater management systems. FHBA and other associations are opposing these bills.

**h. Qualified Contractor Pre-Application Reviews (SB 1138/HB 927):**

This bill aims to reduce delays in local government planning and permitting decisions by requiring local government to create a program that authorizes an applicant to use a "qualified contractor" to conduct preapplication review of an application, 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 a local government from enforcing any additional criteria for qualified contractors beyond what

is authorized by the act, and prohibiting local governments from creating or establishing additional regulations for the approval of a final plat.

**i. Home Backup Power Supply (SB 968/HB 1049):**

This bill prohibits local government from adopting a technical amendment to the Florida Building Code which requires a permit or any functionally equivalent local review or approval for certain backup power systems, prohibits a local government that issues building permits from requiring an owner or contractor of a single-family dwelling to obtain a building permit to perform work valued at less than \$7,500, and prohibits a local enforcement agency from requiring a permit or any functionally equivalent local review or approval for the installation, relocation, replacement, or repair of an eligible residential backup power system.

**j. Immigration & Employment Eligibility (SB 1278/HB 197):**

This bill requires all employers, regardless of size, to use E-Verify for all new employees hired on and after July 1, 2026.

**k. Deregulating the DBPR (SB 1666/HB 607):**

This bill represents a renewed effort to restructure the Department of Business and Professional Regulation by removing many of its oversight functions and consolidating boards for more efficiency and transparency. It eliminates continuing education requirements, expands reciprocity for construction licenses, and extends the valid duration of licenses before renewal is required. Most building associations support the objective but have expressed concerns over the level of de-regulating the construction industry. For example, this bill would eliminate continuing education requirements. We are monitoring these bills and will work to ensure a fair balance is achieved; one which brings efficiency and accountability to government while still protecting the public.

**l. Modifications to 2025's SB 180 on Land Use Following Natural Disasters (SB 840/HB 1465):**

This bill modifies SB 180 (2025) which prohibited local government from imposing more burdensome regulations in areas recovering from a named storm. The bill reduces this prohibition from 100 to 50 miles from the track of the storm. It modifies the statute such that the restraints on local government do not apply to new construction or redevelopment. It now allows local government to impose a moratorium for the purpose of addressing stormwater or flood water management, potable water supply, or necessary repairs to or replacement of sanitary sewer systems. It would now allow local government to perform a more restrictive review of contemplated repair and reconstruction provided it does not extend the time for review. It would also now allow local government to enforce a more restrictive comprehensive plan amendment, land development regulation amendment, site plan, development permit, or development order approved or adopted by an impacted local government if certain requirements are met. At present it seems unlikely the House will tinker with SB 180 so the bill may go nowhere. However, FHBA is presently monitoring this bill and will take action to oppose or improve it as appropriate.

**m. Criminalizing Delayed Payments to Subcontractors and Material Suppliers (SB 290/HB 433):**

These bills criminalize the failure of a contractor to pay its subcontractors and suppliers within 30 days of receiving funds for them, absent “reasonable cause,” an undefined term. This statute is being vigorously opposed by FHBA, ABC, and others because it conflicts with existing law, contract timelines, and the realities of sophisticated construction and development. We have offered alternative legislation aimed solely at penalizing the truly criminal bad actors and will continue to work vigorously to ensure that SB 290/HB 433 do not pass in their current form.

**n. Modifications to Florida Building Code Requirements (SB 1218 /HB911):**

This bill directs the Florida Building Commission to require that the entire building envelope of certain structures meet the impact resistance requirements of the Florida Building Code and be constructed with wind-resistant materials designed and built to withstand a specified wind speed. FHBA is opposing this bill as it seeks to greatly expand the areas which must meet this requirements, including R-1 and R-2 multistory residential occupancies containing sleeping units and new residences constructed within 5 miles of the coastal mean high-water line.

**o. Community Association Governance (SB none/HB 657):**

This bill modifies the manner in which associates govern themselves, and therefore the requirements infill housing may have to deal with, and developers may need to address in governing documents. Among other things, it removes pre-suit mediation requirements, authorizes HOA's to be terminated, and specifies unlawful actions by association or its officers or directors (critical issue for developers who control the association pre-turnover) in connection with termination of the association.

**p. Landscape Irrigation Requirements & Restrictions (SB 508/HB 611):**

This bill aims to prohibit anyone other than a licensed irrigation contractor from performing certain activities, and restricts the type of components which may be installed by builder developers and use of systems. Among other things, it prohibits a person from taking certain actions regarding a landscape irrigation system unless such person is a licensed irrigation contractor or the property owner, specifies that only a licensed irrigation contractor may connect an irrigation system to a water supply, provides landscape irrigation system design standards and restrictions, creates a landscape irrigation watering schedule, and provides mechanisms for enforcement of the act by government.

**q. Construction Defect (SB 1592/HB 705):**

Attorneys of the Florida Bar are pushing for changes to construction defect law. These lawyers represent owners, developers, and contractors, so it is unclear precisely what the angle is. These proposed changes are almost certain to open up pandoras box for other changes which could expand liability. The concept of this bill is allegedly to clarify when the clock to bring a lawsuit for construction defect starts ticking. This bill

aims to clarify certain definitions and, perhaps, eliminate loopholes property owners might attempt to exploit. However, FHBA sees this as a risky proposition and is opposing the bill in all respects at this point.

## 2. Local Government Litigation

- a. **Impact Fee Increases & Burdensome Land Use Regulations:** Thanks to FHBA priority legislation passed last year, building associations now have standing to bring certain legal challenges against local government, thus giving builder developers political cover from bringing suit in their-own names. There are a number of such lawsuits throughout the state challenging huge impact fee increases and newly burdensome land use regulations. FHBA is monitoring these efforts, and in some cases, even funding portions of the fights. If you become aware of a brewing battle FHBA should know about, please let me know. Not happy with having their hands tied on burdensome land use regulations tztzby SB 1080 (2025), one local government has actually sued the Florida legislature claiming that the state had no right to impose those restrictions. FHBA has stepped into the litigation to defend the legislature. FHBA has also found in Florida's Attorney General an individual who insists that local government follow the law. General Uthmeier has just recently authored a formal opinion explaining that population growth is not the type of "extraordinary circumstance" which allows impact fee increases beyond the statutory cap. A copy of that short and powerful opinion is attached to this report.
- b. **FDEP Septic Permits in Portions of Volusia & Broward Counties:** A court has temporarily stopped FDEP from issuing septic tank permits in the Northern Indian River Lagoon watershed unless or until it obtains an incidental take permit from the U.S. Fish and Wildlife Service. Until this injunction is lifted, development in this area is effectively halted. FHBA has joined forces with FDEP in appellate litigation arguing that the injunction be overturned.

## 3. Zinzow's Upcoming Events

- January 23 & Every Friday During Session: Join me at 11 a.m. for our weekly FHBA Government Affairs Committee Meeting to learn more about the progress of legislation and to voice your expertise.
- February 2-4: Legislative Conference in Tallahassee. As FHBA Government Affairs Chair it is my honor and privilege to lead our incredible industry through the halls in Tallahassee, educating and advocating to protect those who Build America. Please join us and make your voice heard. It will be an incredible experience you will never forget!
- February 11: Legal Seminar at Charlotte-Desoto Building Industry Association at 9 a.m. I will be sharing pro tips on liens, collection strategies, and dealing with construction defect claims.
- February 19: Legal Seminar at Polk County Building Association at 4 p.m. We will dive into critical industry legalities to help protect your business.

- Coming to a town near you . . . Want a private government affairs update or seminar? Please contact us at [info@zinzowlaw.com](mailto:info@zinzowlaw.com)

## ABOUT US

### WHY WE DO IT

Each member of Team Z believes in liberty and in building the American Dream. We honor Her traditions, uphold Her foundations, and protect Her People. It is this higher purpose that drives everything we do. We are patriots through and through and can think of no more important calling than serving those who build America.

### WHAT WE DO

Zinzow Law is a full-service Construction, Real Estate, and Business Law Firm with combined expertise of over two centuries. Our holistic approach to representation means that we cover every conceivable business and legal need you may experience to ensure your experience is seamless. We take pride and joy in representing business owners and helping them grow and foster their American Dream.

### HOW WE DO IT

Why Partner with the Team at Zinzow Law? With an overabundance of Law Firms out there, why should you choose the team at Zinzow Law? Every law firm will tell you how hard they will work for you and how much expertise they have in a given field. We can tell you the same things, and we mean it. But our unique approach to solution delivery coupled with our unwavering values set us apart from other law firms and lawyers.

You will not find any pretentious attitudes when you meet our team or team members. Unless we are going to court, you will not find us in suits and ties; you will not be told the law says: X, Y, and Z, so you have to do it this way. Instead, you will find us to be salt of the earth people who understand your struggles in the Construction, Real Estate, or Business world. We will advise you and recommend solutions, always with a keen eye on your business objectives.

### OUR AFFILIATES

Team Z enjoys giving back. Over a decade ago we founded [ZinDocs](#), a cost-effective option for construction companies to procure Notice to Owner, Notice to Contractor, Claim of Lien, and Notice of Non-Payment services. And we would not have the freedom to serve the construction industry if not for our armed forces and their families who have and continue to make great sacrifices to preserve our way of life; we are honored to support them through our all-volunteer 501(c)(3) charity, the [Zinzow Law Foundation](#).



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### Florida Attorney General Final Opinion as Referenced in Document



Final Opinion.pdf