Learn all about the new laws that govern the Construction Industry from a Florida Board Certified Construction Law Expert, who is deeply embedded in the legislative process on behalf of those building America.

2025'S NEW LAWS TO LIVE BY

Florida Edition: Issue IV

FL BOARD CERTIFIED CONSTRUCTION ATTORNEY

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HELPING THOSE WHO BUILD AMERICA

TABLE OF CONTENTS

A Message From Our CEO

President Ronald Reagan ably summed up the way most people feel about their government when he said: “the most terrifying words in the English language are ‘I’m from the government and I’m here to help.’” Whether it is the busybodies’ anonymous approach to policing development, the shaping of communities in the image some government “so-and-so” deemed best without asking the opinion of communities or those who build them, or the “because I said so” approach to an application, We the People are fed up. And sticking with the Gipper, “when you can’t make them see the light, make them feel the heat.” This year’s legislative advocacy, of which I am proud to be a part, was focused on making local government feel that heat. We educated legislators on the pain inflicted on the construction and development industry and how that pain has translated into hampering the American Dream of property owners and renters. Cities and counties cannot fairly cry out for more affordable communities while they impose rules that increase the cost of construction and development. They cannot fairly penalize property owners attempting to rebuild following a devastating natural disaster while simultaneously lauding themselves for being heroes during the very same natural disaster. Last but not least, they will not be allowed to take the Queen Marie Antoinette approach, “let them eat cake,” when they are asked, begged, and pleaded with, to compassionately serve their suffering constituency.

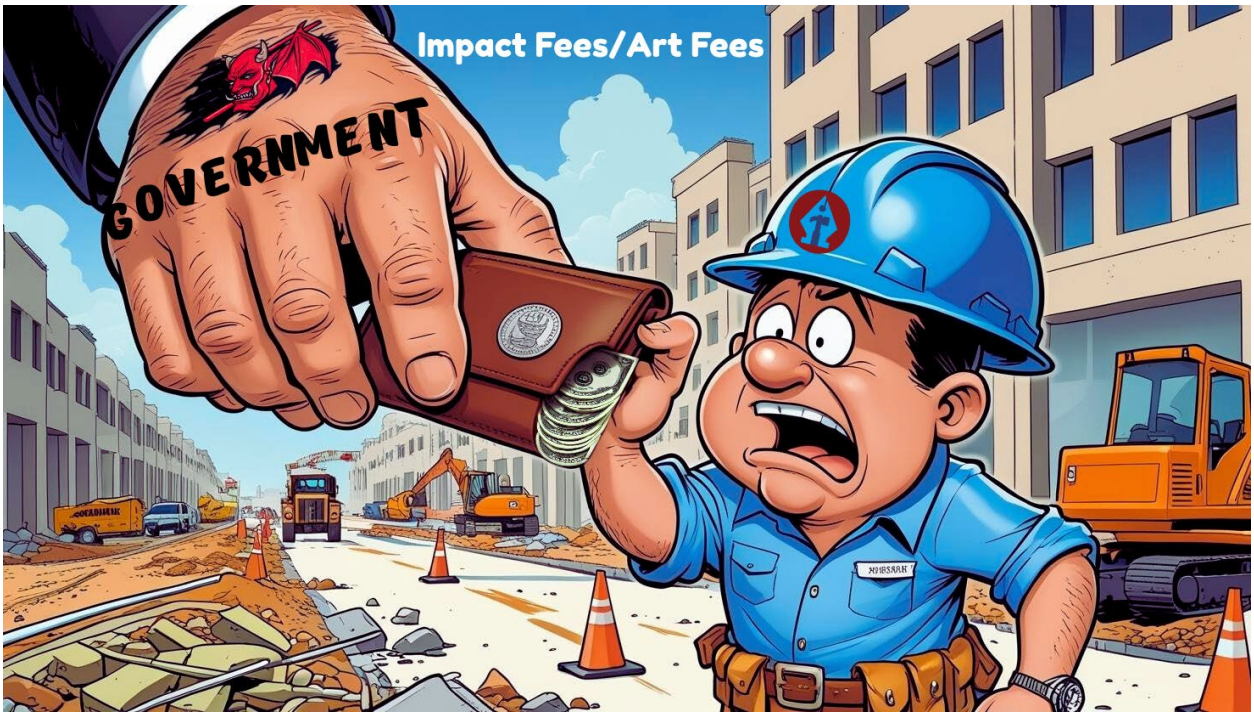
The 2025 special, regular, and extended sessions have been some of the most unusual, surprising, and time consuming of my lifetime. Nonetheless, as a patriot and advocate, I feel honored to serve as a voice for those who build America. I hope this legislative briefing will enlighten you as I remain humbly at your service.

Sincerely,

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

Florida Home Builder’s Association (FHBA)
Area 5 Vice President and Government Affairs Committee Vice Chair

1. NEW LAWS



a. **Impact Fees/Art Fees (SB 1080):** Following previous efforts to rein in the abuse of impact fees by local governments, those governments found new ways to circumvent the very protections builders and developers rely on to deliver the products demanded by the public. Despite fierce opposition from local governments, we succeeded this year in closing many of the loopholes they previously exploited. This bill:

   i. Modifies s.125.022 re development permits & orders indicating that:

      1. The county must specify in writing information required to apply for zoning, rezoning, subdivision approval, certification, special exception, or variance.
      2. Within 5 business days of receiving an application, the county must confirm its receipt in writing.
      3. Within 30 of application the county must notify the applicant in writing that the application is complete or specify what is needed. This written notice requirement is a new addition.
      4. For applications that do not require final action through a quasi-judicial hearing or a public hearing, the county must approve, approve with conditions, or deny the application for a development permit or development order within 120 days after the county has deemed the application complete. If hearing required, deadline is 180 days. Both parties may agree to extend these deadlines. The previous language referencing a "reasonable" extension has been removed. Parties can now agree to whatever they mutually agree to.
      5. These time frames start anew if the applicant makes a change, but to prevent "gotcha" tactics and unnecessary delays, this reset only applies to substantive changes, defined as a 15 percent or greater change in proposed density, intensity, or square footage of a parcel.

6. The statute now imposes penalties on the county, including up to a 100% refund of the application fee, based on the length of the delay.

ii. Modifies s. 163.3180 on Concurrency to now prohibit school district from creating and/or collecting an alternative fee in lieu of impact fee to mitigate impact of development on education unless strict requirements are met. In any legal challenge of a fee, the burden is on the school to prove it complies with law, not the other way around.

iii. Modifies 553.80 clarifies that local government cannot use building fees for planning and zoning unless it relates to obtaining a building permit. This is to prevent diversion of these funds which causes permit fees to escalate.

iv. Modifies 163.31801 on Impact fees to close a loophole commonly exploited by local government. Existing statute places a cap on impact fee increases except for extraordinary circumstances. Government would fail to properly plan, would fail to adopt small incremental increases that phased in over time, and would then create their own financial emergency. They would then declare extraordinary circumstances to trigger a massive overnight increase. This action is now prohibited. Now, any such extraordinary circumstance increase must be approved unanimously by local governing body (previously it was 2/3) and regardless of unanimity, if government has not increased in preceding 5 years (excluding hurricane zone time period), then it cannot be treated as extraordinary. An impact fee increase approved under this paragraph must be implemented in at least two but not more than four equal annual increments.

v. Amends s. 163.3184 on expediting Comprehensive Plan amendments by indicating that if amendments are not adopted by the governing board at the 2nd public hearing, they need to be adopted within 180 days of that hearing or shall be deemed withdrawn. Provides clarity on finality so not hanging out there with uncertainty forever.

b. Mitigation Banking (SB 492): Many projects throughout the state are unable to mitigate impacts on site, and insufficient mitigation bank and credits were available within the relevant area, thereby creating substantial impediments to development of needed projects. This bill resolves these problems as follows:

i. Modifies s.373.4136 (effective July 1, 2025) to require that the applicable water management district adhere to a newly defined credit release schedule, as follows:

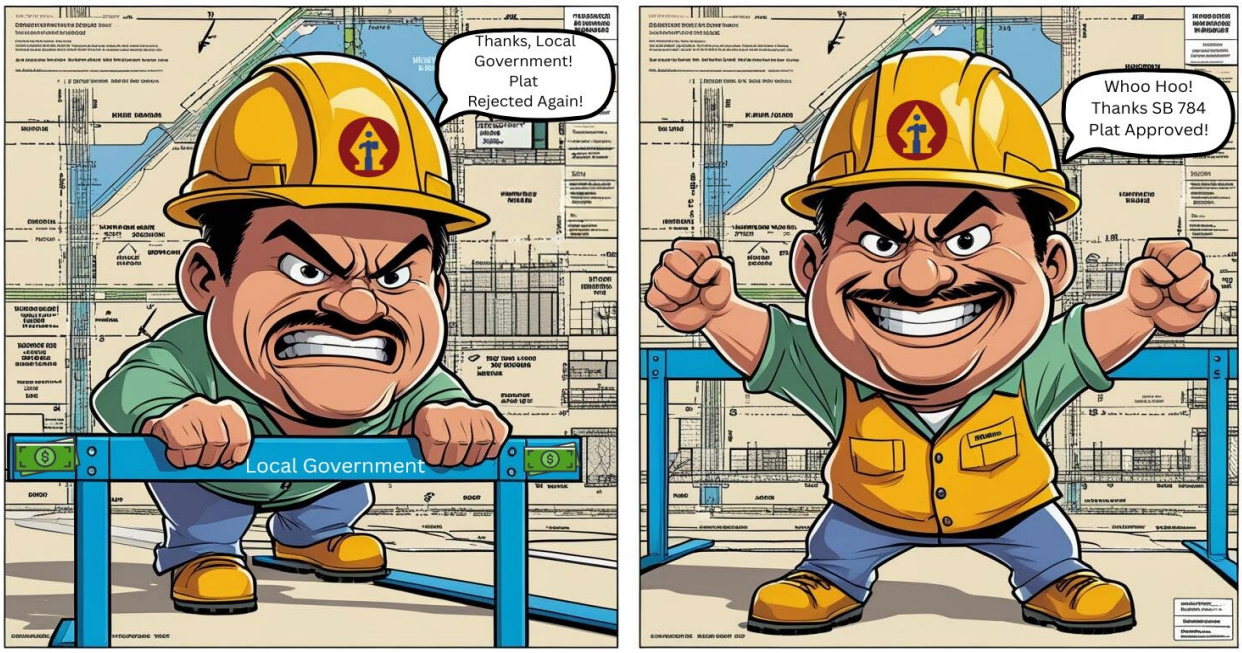
1. 30% of awarded credits following completion of initial activities established by the mitigation bank permit.
2. 20% in increments as monitoring indicates interim performance criteria are being met.
3. 20% on meeting final success criteria established in the mitigation bank permit.
4. The bank applicant may propose an alternative credit release schedule.
5. The mitigation bank permittee can apply for modification of the credit release schedule, and the schedule shall be modified to conform to the above, provided the bank has not yet released credits for the completion of construction activities.

ii. Applicants may now use credits from banks outside the mitigation bank's service area if an insufficient number or type of credits is available within the permitted service area, subject to the following process:

1. DEP or the water management District must have first determined that the mitigation service area lacked the appropriate credit type.

2. Priority must be given to mitigation banks whose permitted service area fully includes the impacted site.
3. If the number of available credits within a mitigation service area partially offsets impacts, the permit applicant may only use out of service area credits to account for the difference.
4. Once the amount of mitigation has been determined, DEP or the applicable water management District has seven business days to contact all mitigation banks within a mitigation service area to determine available credits. The mitigation banks have 15 business days to respond. If one of the banks responds that out of kind credits are available, DEP or the water management District shall notify the permit applicant of availability which then prohibits use of credits from another mitigation bank outside of that service area until all of the out of kind credits occurs. If a mitigation bank does not reply within the 15-business day deadline, it is presumed the bank has no credits available. The permit applicant may rely upon these determinations for a period of six months from the date of determination, but only for purposes of the pending application.
5. DEP and water management districts must apply a proximity factor to determine the cost of the mitigation credits:
    a. 1.0 multiplier for use of in-kind credits within the service area and floor out of service area credits when the service area overlays part of the same regional watershed.
    b. A1 .2 multiplier for in-kind and out of service area credits located within a regional watershed immediately adjacent to the regional watershed overlaying by the bank service area in which the proposed impact is located.
    c. When in-kind credits are not available in the regional watershed immediately adjacent, an additional 0.25 multiplier shall be applied for each additional regional watershed boundary crossed.
    d. An additional 0.5 multiplier shall be applied on top of the above if the mitigation used to offset impacts involves out-of-kind replacement.

iii. Beginning July 1, 2026, and annually thereafter, every mitigation bank must submit to DEP, or the appropriate water management district, a report accounting for the number and type of credits available for sale.



c. **Platting (SB 784):** plat approval delays, brought about by unnecessary and ambiguous hurdles imposed by local government, have been sidelining projects and increasing total project costs. Sections 177.071 & 1777.111 are now amended to resolve these issues as follows:

   i. Local government must designate, by ordinance or resolution, an administrative authority to review and process plats or replats. This administrative authority shall approve or reject the plat or replat, and no further governing body shall be required for approval.

   ii. The administrative authority shall confirm receipt of the plat or replat submittal within seven days and identify any missing documents or information necessary to processing. This notice must also explain the approval process and applicable timelines.

   iii. Unless the applicant requests an extension of time, the administrative authority must approve, approve with conditions, or deny the plat or replat within the timeframe provided in the written notice. Neither the administrative authority nor any other local government agent may request or require the applicant to seek an extension of time.

   iv. Denials must be in writing and must provide specific reasons, including citations to the exact requirements the plat or replat fails to meet.

d. **Emergencies (SB 180):** 2024's hurricane season revealed many deficiencies and local government planning and response, as well as government-imposed impediments to recovery. Not wanting to emulate Los Angeles following California's devastating wildfires, this bill imposes new requirements and restrictions on local government to ensure timely preparation and reconstruction. The following are some of its key provisions:

   i. Local government, school district, and special district may not charge an impact fee for reconstruction or replacement of a previously existing structure if it maintains the same land use and does not increase the impact on public facilities. If there is an increase, any assessed impact fee must be proportional to the increased demand and demonstrate a rational nexus to the need for additional capital facilities.

ii. The bill imposes new emergency management training requirements for officials responsible for the construction and maintenance of public infrastructure.
iii. Each county emergency management director must attend an annual hurricane readiness session, which includes guidance on timelines for efficient and expedited rebuilding.
iv. Local government must post on its publicly accessible website, information concerning building recovery and debris cleanup among other disaster preparation and recovery information.
v. Local government must develop a post-storm permitting plan to expedite recovery and rebuilding efforts, and must provide special procedures for building permits and inspections following a hurricane or tropical storm. Among other things, the plan must:
    1. Ensure that sufficient local government personnel are available to expeditiously manage post-disaster building permits and inspections.
    2. Provide for multiple or alternate locations where building permit services will be offered.
    3. Specify a protocol to expedite permitting procedures and, if practical, waive or reduce applicable permit fees.
    4. Develop procedures and resources necessary to promote expeditious debris removal.
    5. By May 1 of each year, local government must publish a recovery permitting guide for both residential and commercial property owners, detailing:
        a. Repairs that require a permit and their associated fees.
        b. Repairs that do not require a permit.
        c. Where permitting services will be available.
        d. Rebuilding requirements, including elevation rules under the National Flood Insurance Program (NFIP).
vi. The division of emergency management shall consult with local government, the department of Bus. & Prof. Reg., the Department of Environmental Protection, and any other appropriate agencies to develop recommendations for statutory changes necessarily to streamline the permitting process for repairing and rebuilding structures damaged during natural emergencies, and shall provide the report to the Pres. of the Senate and the Speaker of the House.
vii. For 180 days after a state of emergency is declared for a hurricane or tropical storm, local government in the affected area may not raise building permit or inspection fees.
viii. By May 1, 2026, local government must provide a digital method for receiving, reviewing and accessing substantial damage and substantial improvement letters, and must allow homeowners to provide an email address where they can receive digital information.
ix. As soon as reasonably practicable following landfall, and passage of a hurricane or tropical storm, local government must make every effort to reopen permitting offices and provide services for at least 40 hours per week.
x. For one year after a hurricane makes landfall, any impacted local government (defined as one listed in a federal disaster declaration located entirely or partially within 100 miles of the storm track) may not propose or adopt:
    1. A moratorium on construction, reconstruction or redevelopment.
    2. A more restrictive or burdensome amendment to its comprehensive plan or land development regulations.

3. A more restrictive or burdensome procedure for review, approval, or issuance of a site plan, development permit, or development order.
4. More restrictive items may be enforced if:
    a. The application is initiated by a private party and the land is owned by the initiating private party.
    b. The proposed comprehensive plan amendment was submitted to reviewing agencies before landfall, or
    c. The proposed comprehensive plan amendment or land development regulation is approved by the state land planning agency.
5. Any person may file suit against local government to prevent it from violating these provisions, and local government may also seek relief in the courts to determine whether its action violates these restrictions. Before filing suit against local government, pre-suit notice must be given, and should the property owner prevail in litigation, the owner will be entitled to reasonable attorney's fees and costs. The litigation proceedings will be entitled to summary procedure and to the case being advanced to conclusion on the docket ahead of other cases.

xi. The state must collaborate annually with water management districts, local government, and operators of public and private stormwater management systems to identify priority infrastructure projects.

xii. Local government must apply to the state annually for at least one debris management site in advance of storm events.

xiii. To reduce the risk of injury or damage caused by cranes and other hoisting equipment during storms:
1. A hurricane preparedness plan must be available for inspection at the worksite.
2. In preparation for a hurricane, the contractor responsible for the entire job site, not just the crane, must ensure that hoisting equipment is properly secured as follows at least 24 hours in advance of impacts from the hurricane:
    a. Hoisting equipment must be secured in compliance with manufacturer recommendations relating to hurricane and high wind events.
    b. Tower crane turntables must be lubricated.
    c. Fixed booms on mobile cranes must be laid down whenever feasible.
    d. Booms on hydraulic claims must be retracted and stored.
    e. Counterweights of any hoist must be locked below the top tie in.
    f. Tower cranes must be set in the weathervane position.
    g. Rigging must be removed from hoist blocks.
    h. Power at the base of tower cranes must be disconnected.
3. Violation of these safety provisions may subject contractors to license discipline. By December 31, 2026, the Florida Building Commission must establish best practices for the utilization of tower cranes and hoisting equipment on construction sites during the hurricane season.

xiv. The thermal efficiency code will not apply to renovated buildings where alteration is the result of a natural disaster unless the estimated cost of renovation exceeds 75% of the fair market value of the building before the natural disaster.

xv. Every county listed in the federal disaster declaration for hurricanes Debbie, Helene, or Milton, and each city within any of those counties, cannot propose or adopt any moratorium on construction, reconstruction or redevelopment, propose or adopt more restrictive or burdensome amendments to their comprehensive plans or land development regulations, or propose or adopt more restrictive or burdensome procedures for review, approval, or issuance of a site plan, development permit or development order, before October 1, 2027. Any moratorium or restrictive or burdensome comprehensive plan amendment, a land development regulation, or procedure shall be null and void at the moment it went into effect. The same exceptions and remedies outlined above in (x) apply here.

e. Affordable Housing (SB 1730): The Live Local Act was created in 2023 for the purpose of increasing the availability of affordable housing by, among other things, providing funding and tax credits, and making such projects attractive to developers by allowing them to exceed density and height restrictions. Despite its creativity, the rollout of the program has faced challenges. This legislation aims to provide clarity and improve program implementation. Among other things, it:

i. Now allows affordable housing on parcels owned by religious institutions, regardless of underlying zoning.

ii. Clearly defines the terms 'commercial,' 'industrial,' and 'mixed-use.'

iii. Requires counties to authorize multifamily and mixed-use residential as allowable in portions of any flexibly zoned area such as planned unit developments permitted for commercial, industrial, or mixed-use.

iv. Prohibits counties from requiring more than 10% of total square footage in mixed-use residential projects be used for nonresidential purposes.

v. Clarifies that affordable housing towers may not exceed 10 stories in height when adjacent to at least 25 single-family residential homes. Additional special height restrictions apply to parcels with a building within a historic district listed in the National Register of Historic Places.

vi. Mandates that affordable housing developments be administratively approved without the need for review by quasi-judicial or administrative bodies.

vii. Requires counties to upon request, reduce parking requirements by 15% if the development's proximity to transportation hubs and available parking meet certain requirements. The reduction is no longer discretionary.

viii. Prohibits counties, with a narrow exception, from enforcing a building moratorium that delays the permitting or construction of a multifamily residential or mixed-use residential developments. Delay is authorized where adopted by ordinance for a period of no more than 90 days in any three-year period, and only after the county has prepared an assessment of the county's need for affordable housing at the extremely low, very low, low, and moderate income limits, for a period of the next five years.

ix. Judicial review of any alleged county violations must be given priority over other pending cases and the courts must render a preliminary or final decision expeditiously. Courts must now assess

reasonable attorney's fees and costs to the prevailing party, and against the losing party, but they may not exceed $250,000.

x. As a deterrent to recurring and improper County action, counties must annually report to the state land planning agency, a summary of all litigation and a list of projects proposed or approved during the previous fiscal year. The state land planning agency must compile and submit this information to the Governor, the Senate President, and the Speaker of the House.

xi. The Legislature has determined that it is in the best interests of the state to provide affordable housing to citizens employed by hospitals, health-care facilities and governmental entities and wishes to incentivize these employers to sponsor affordable housing opportunities.

xii. It authorizes developers receiving federal low-income housing tax credits or local/ state funds to give preference to these employees in housing allocations.

f. Construction Regulations (HB 683): This omnibus bill resolves a number of problems builders and developers have experienced with local government on topics including synthetic turf, local government's mishandling of proposed change orders, competitive bid scoring, ancillary documents being required as part of a building permit application, and use of private providers for plan reviews and building inspections. Below are some of its key provisions:

i. Requires the Department of Environmental Protection to adopt minimal standards for the installation of synthetic turf on single-family residential properties one acre or less in size, after which local government may not prohibit a single-family residential property owner from installing synthetic turf in compliance with the standards, or imposing a requirement that is inconsistent with the standards.

ii. For any construction contract entered into on or after July 1, 2025, local government must approve or deny a proposed change order in writing within 35 days of receipt. If denied, the response must identify the alleged deficiencies and required remedies. Failure to comply with the foregoing, the proposed change order are deemed approved and local government must pay the contractor the amount stated therein upon completion of the work. Waiver of this protection is prohibited by contract.

iii. When scoring or evaluating bids for public works projects, government entities may not penalize or reward a bidder based on volume of work they perform for the state or its political subdivisions.

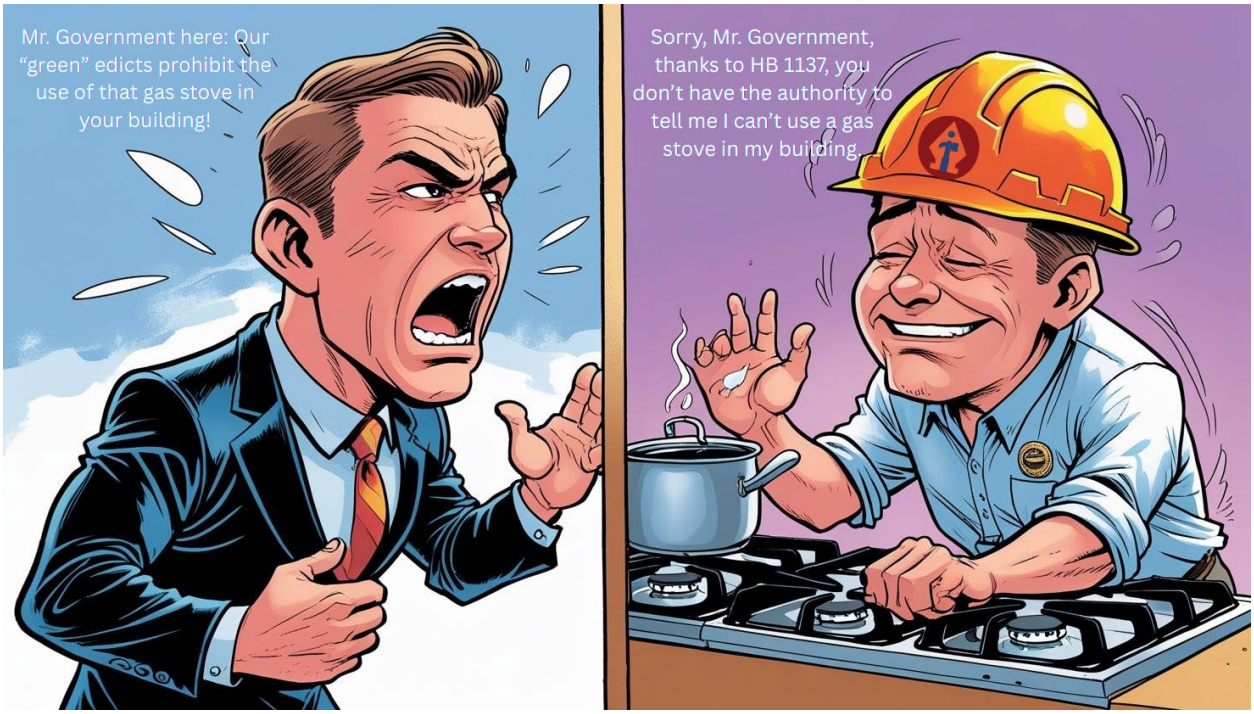
iv. Spaceports are now exempted from the Florida Building Code.

v. Local government is now prohibited from requiring a copy of the contract between a property owner and builder, as well as any associated document, such as letters of intent, material costless, labor costs, or overhead and profit statements, as a condition for the issuance of a building permit.

vi. As it concerns private providers:

1. The term "permit application" now includes automated single-trade plan reviews using software-based systems. Permit applications must include the information reviewed by the system to ensure code compliance.
2. Private providers may now conduct plan reviews and inspections for solar energy systems and energy storage installations or alterations.
3. After construction begins, parties may switch to a private provider for inspection of single-trade work on one- or two-family dwellings without proving delays from local building officials.

4. Local governments must issue permits for single-trade plan reviews on one- or two-family homes within five business days, down from the previous 20-day deadline.



g. **Expanded Pre-Emption of Utility Service Restrictions (HB 1137):** Certain geographies within the state, under the flag of wanting to implement "green" edicts or otherwise, have been attempting to limit the type of energy resources, as well as appliances, which can be used in construction. This bill does the following:
   i. Adds cooperatives, boards, agencies, commissions, and authorities of any county, municipal corporation, or political subdivision to the list of bodies that are prohibited from making policy that would restrict or prohibit the types of fuel sources of energy production, as well as appliances, which may be used in construction and to serve end customers.
   ii. The Florida building code now contains a similar restraint on local building officials, and the State Fire Marshal is prohibited from adding anything to the contrary to the Fire Prevention Code.

h. **Apprenticeship & Pre-apprenticeship Funding (HB 681):** By implementing new opportunities for equitable splits of apprenticeship funding and procedural and fee safeguards, this bill will ensure financial accountability of these programs and thereby expand workforce training opportunities for the construction industry.

i. **Immigration (SB 2-C & SB782):** The Governor called three special sessions this year, all immediately preceding regular session, to further reform Florida's immigration laws. These bills change the 2023 law as follows:
   i. All employers must now use E-Verify. Companies with under 25 employees are no longer exempt.
   ii. The Office of Economic Accountability & Transparency is now empowered to enforce the E-Verify requirement.

iii. Penalties on employers are now tougher. Employer probation for its first offense has been stricken. For the employer's first offense of employing an alien (including as a 1099 employee), the employer will suffer a 1-year revocation or suspension of all employer licenses and a fine up to $10,000. If the employee injures someone, there will be a 5-year employer license suspension or revocation plus a fine up to $100,000. If the employee causes death, all employer licenses will be permanently revoked, and the employer may be fined up to $500,000. These penalties escalate for two or more repeat offenses by the employer.

iv. Creates the State Board of Immigration Enforcement consisting of the Governor and Cabinet. Board action is only by unanimous consent. It is part of FDLE but not subject to it and is the chief immigration enforcement authority in state with its-own separate budget.

v. Creates an advisory council consisting of the Governor, Attorney General, Chief Financial Officer, and Commissioner of Agriculture, each of whom must appoint one Police chief. The President of the Senate and the Speaker of the House must each appoint two Sheriffs. The State Board of Immigration Enforcement must unanimously elect a Sheriff from among the council's membership to serve as chair.

2. DEFEATED LEGISLATION

a. **Heat Illness Prevention (SB 510/HB 35):** As in prior years, this legislation would have imposed duplicative and conflicting regulation since these hazards are already regulated by OSHA under the general duty doctrine.

b. **Door Alarms on Multifamily Units (SB 1788/HB 207):** These bills would have unnecessarily imposed on developers an obligation to construct condominiums, townhouses, apartment complexes, and other multifamily residential properties with a door alarm on every door that leads directly

to a public or private pool or bathing space. This requirement would have imposed strict liability for injuries if door alarms were not installed and were functioning, in addition to imposing an administrative fine of up to $50 per day with no cap.

c. **Rental Neighborhood Restrictions (SB 634/HB 401):** These bills would have given local government the ability to create new use in their land development codes and comprehensive plans called "single-family hybrid use," the so-called billed to rent model, and then allowed government to prohibit that form of use. This form of restriction would have a substantial negative impact on affordable housing opportunities, and would also have undercut the business model of many reputable builder-developers serving their communities with the type of product so many residents have requested.

d. **Construction Liens & Bonds (SB 658/HB 893):** These bills would have permanently stripped trade contractors, material suppliers, and other lower tier lienors of all lien rights if the project owner paid the contractor, but the contractor failed or refused to pay lower tier lienors.

3. BUDGET:

The Governor signed the budget totaling $117.4 billion after $567 million in line-item vetoes. This marks the second consecutive year of a reduction in state spending. The budget also maintains $15.7 billion in reserves. It implements a permanent sales tax exemption for qualifying disaster preparedness items, and a Second Amendment sales-tax holiday from September 8 through December 31, 2025. It allocates $726.9 million for workforce education programs, including certain apprenticeship programs. It invests $15.1 billion to support the Florida department of transportation and its infrastructure, as well as $22 million to support local infrastructure projects and $92.2 million to assist small county governments in repairing infrastructure. It allocates $50 million for the Hometown Heroes program, providing down payment and closing costs assistance for first-time military homebuyers, and now makes the State Guard eligible to participate. $1.9 million has been allocated to enforce the E-Verify requirement. $830 million has been allocated for Everglades restoration projects and reservoirs.

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. 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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