The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL:	SB 1080
INTRODUCER:	Senator McClain
SUBJECT:	Local Government Land Regulation
DATE:	April 15, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Fleming	CA	**Favorable**
2.	Collazo	Cibula	JU	**Favorable**
3.	Hackett	Yeatman	RC	**Pre-meeting**

I. Summary:

SB 1080 amends certain statutes regulating the review and approval of development permit and order applications by local governments.

Specifically, the bill requires local governments to:

- Specify the minimum information required for certain zoning applications.
- Process an application for a development permit or order within certain timeframes.
- Not limit the number of quasi-judicial hearings or public hearings held each month, if limiting their number will cause a delay in the consideration of an application for a development permit or order.
- Issue refunds to applicants if they fail to meet certain timeframes when processing an application.

The bill also provides that comprehensive plan amendments are not required to be approved at the second public hearing in the plan amendment adoption process to avoid being deemed withdrawn.

The bill takes effect October 1, 2025.

II. Present Situation:

The Community Planning Act

Adopted in 1985, the Local Government Comprehensive Planning and Land Development Regulation Act,[1] also known as Florida's Growth Management Act, was significantly revised in

[1] *See* ch. 85-55, s. 1, Laws of Fla. (codifying s. 163.3161(1), F.S. (1985), which provided the original short title).

2011, becoming the Community Planning Act.[2] The Community Planning Act governs how local governments create and adopt their local comprehensive plans.

Local comprehensive plans must include principles, guidelines, standards, and strategies for the orderly and balanced future land development of the area and reflect community commitments to implement the plan. The Community Planning Act intends that local governments manage growth through comprehensive land use plans that facilitate adequate and efficient provision of transportation, water, sewage, schools, parks, recreational facilities, housing, and other requirements and services.[3] A housing element is required as part of every comprehensive plan in the state. Among other things, the housing element must address "the creation or preservation of affordable housing to minimize the need for additional local services and avoid the concentration of affordable housing units only in specific areas of the jurisdiction."[4]

Municipalities established after the effective date of the Community Planning Act must adopt a comprehensive plan within 3 years after the date of incorporation.[5] The county comprehensive plan controls until a municipal comprehensive plan is adopted.[6]

The comprehensive plan is implemented via land development regulations. Each county and municipality must adopt and enforce land development regulations, such as zoning or other housing-related ordinances, which are consistent with and implement their adopted comprehensive plan.[7]

Comprehensive Plan Amendments

If a proposed development does not conform to the comprehensive plan, the local government must first amend the comprehensive plan to facilitate the nonconforming development. State law requires a proposed comprehensive plan amendment to receive two public hearings, the first held by the local planning board, and subsequently by the governing board.[8]

Any affected person may challenge whether a plan or plan amendment complies with the Act by petitioning the Division of Administrative Hearings (DOAH) for a formal hearing.[9] An administrative law judge must hold a hearing in the affected local jurisdiction on whether the plan or plan amendment is in compliance.[10] In challenges filed by an affected person, the comprehensive plan or plan amendment must be determined to be in compliance if the local government's determination of compliance is fairly debatable. If the administrative law judge recommends that the amendment be found in compliance, the judge must submit the recommended order to the state land planning agency for a final order in its favor.[11]

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[2] *See* ch. 2011-139, s. 4, Laws of Fla. (revising the short title in s. 163.3161(1), F.S., to "Community Planning Act").
[3] Section 163.3161(4), F.S.
[4] Section 163.3177(6)(f)1.g., F.S.
[5] Section 163.3167(3), F.S.
[6] *Id*.
[7] Section 163.3202, F.S.
[8] Sections 163.3174(4)(a) and 163.3184, F.S.
[9] Section 163.3184(5)(a), F.S.
[10] Section 163.3184(5)(c), F.S.
[11] Section 163.3184(5)(e), F.S.

Issuing Development Orders and Permits

Under the Community Planning Act, a development permit is any official action of a local government that has the effect of permitting the development of land including, but not limited to, building permits, zoning permits, subdivision approval, rezoning, certifications, special exceptions, and variances.[12] A development order is issued by a local government and grants, denies, or grants with conditions an application for a development permit.[13]

Within 30 days after receiving an application for approval of a development permit or development order, a county or municipality must review the application for completeness and issue a letter indicating that all required information is submitted or specify 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.[14]

Within 120 days after the county or municipality has deemed the application complete, or 180 days for applications that require final action through a quasi-judicial hearing or a public hearing, the county or municipality must approve, approve with conditions, or deny the application for a development permit or development order.[15] Both the applicant and the local government may agree to a reasonable request for an extension of time, particularly in the event of an extraordinary circumstance.[16] An approval, approval with conditions, or denial of the application for a development permit or development order must include written findings supporting the county's or the municipality's decision.[17] However, these timeframes do not apply in areas of critical state concern.[18]

When reviewing a certified application for a development permit or development order, not including building permit applications, a county or municipality may not request additional information from the applicant more than 3 times, unless the applicant waives the limitation in writing.[19]

If a county or municipality makes a request for additional information from the applicant, and the applicant provides the information within 30 days after receiving the request, the county or the municipality must:

- Review the additional information and issue a letter to the applicant indicating that the application is complete, or specify the remaining deficiencies within 30 days after receiving the information, if the request is the county or municipality's first request.[20]

[12] Section 163.3164(16), F.S.
[13] *See* s. 163.3164(15), F.S. (defining development order); *see also* s. 125.022 and 166.033, F.S. (regulating county and municipal development permits and orders, respectively).
[14] Sections 125.022(1) and 166.033(1), F.S.
[15] *Id.*
[16] *Id.*
[17] *Id.*
[18] *Id.*
[19] Sections 125.022(2) and 166.033(2), F.S.; *see also* s. 403.0877, F.S. (listing the professionals that may certify applications for development permits and development orders for the purpose of satisfying this requirement).
[20] Section 125.022(2)(b) and Section 166.033(2)(b), F.S.

- Review the additional information and issue a letter to the applicant indicating that the application is complete, or specify the remaining deficiencies within 10 days after receiving the additional information, if the request is the county or municipality's second request.[21]
- 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 county or municipality's time limitations in writing, if the request is the county or municipality's third request.[22]

Before a third request for information, the applicant must be offered a meeting to attempt to resolve outstanding issues.[23] If the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the applicant may require the county or municipality proceed to process the application for approval or denial.[24] If denied, the county or municipality is required to give written notice to the applicant and must provide reference to the applicable legal authority for the denial of the permit.[25]

Once an application is deemed complete, a county or municipality must approve, approve with conditions, or deny the application within 120 days after it is deemed complete, or 180 days after it is deemed complete for applications that require final action through a quasi-judicial hearing or a public hearing.[26]

III. Effect of Proposed Changes:

Sections 1 and 3 amend ss. 125.022 and 166.033, F.S., to revise a variety of provisions related to county and municipality operations in connection with development permits and orders. The amendments are listed by specific subject below.

Minimum Information for Certain Zoning Applications

The bill requires local governments to specify in writing the minimum information that must be submitted in an application for a zoning approval, rezoning approval, subdivision approval, certification, special exception, or variance. Under the bill, the local government must:

- Make the minimum information available for inspection and copying at the location where the local government receives applications for development permits and orders;
- Provide the minimum information to the applicant at a preapplication meeting; or
- Post the minimum information on the local government's website.

Timeframes for Processing an Application

Within 5 business days after receiving an application for approval of a development permit or development order, local governments must confirm receipt of the application using the contact information provided by the applicant.

[21] Section 125.022(2)(c) and Section 166.033(2)(c), F.S.
[22] Section 125.022(2)(d) and Section 166.033(2)(d), F.S.
[23] *Id.*
[24] Section 125.022(2)(e) and Section 166.033(2)(e), F.S.
[25] *Id.*
[26] Section 125.022(1) and Section 166.033(1), F.S.

The bill clarifies that, within 30 days after receiving an application for approval of a development permit or order, a local government must review the application for completeness and either:

- Issue a written notification to the applicant indicating that all required information is submitted; or
- Specify, with particularity and in writing, any areas that are deficient.

For an application for a development permit or order that ***does not*** require final action through a quasi-judicial hearing or public hearing, the bill requires local governments to approve the application, approve the application with conditions, or deny the application within ***120 days*** after the local government has deemed the application complete.

For an application for a development permit or order that ***does*** require final action through a quasi-judicial hearing or public hearing, the bill requires local governments to approve the application, approve the application with conditions, or deny the application within ***180 days*** after the local government has deemed the application complete.

The bill prohibits local governments from limiting the number of quasi-judicial hearings or public hearings held each month if such limitation causes any delay in the consideration of an application for approval of a development permit or order.

Additionally, the bill clarifies that local governments and applicants may agree in writing to an extension of time for processing an application, particularly in the event of a force majeure or other extraordinary circumstance.

The bill provides that the foregoing timeframes restart if an applicant makes a substantive change to the application. The bill defines "substantive change" as an applicant-initiated change of 15 percent or more in the proposed density, intensity, or square footage of a parcel.

Requirement to Issue a Refund

The bill requires local governments to issue a refund to an applicant equal to:

- Ten percent of the application fee if the local government fails to issue written notification of completeness or written specification of areas of deficiency within 30 days after receiving the application.
- Ten percent of the application fee if the local government fails to issue a written notification of completeness or written specification of areas of deficiency within 30 days after receiving the additional information pursuant to an initial request by the local government to furnish such additional information.
- Twenty percent of the application fee if the local government fails to issue a written notification of completeness or written specification of areas of deficiency within 10 days after receiving the additional information pursuant to a second request by the local government to furnish such additional information.
- Fifty percent of the application fee if the local government fails to approve, approve with conditions, or deny the application within 30 days after conclusion of the 120-day or 180-day timeframe specified above.

- One hundred percent of the application fee if the local government fails to approve, approve with conditions, or deny an application 31 days or more after conclusion of the 120-day or 180-day timeframe specified above.

A local government is not required to issue a refund in any of the foregoing scenarios if:
- The applicant and the local government 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 circumstances.

Section 2 amends s. 163.3184, F.S., to provide that comprehensive plan amendments are not required to be approved at the second public hearing in the plan amendment adoption process to avoid being deemed withdrawn.

Section 4 provides that the bill takes effect October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may have an indeterminate positive fiscal impact to the extent applicants receive refunds from counties and municipalities that fail to meet statutory deadlines relating to development permits and orders.

C. Government Sector Impact:

The bill may have an indeterminate negative fiscal impact on local governments to the extent those governments must issue refunds for failing to meet statutory deadlines relating to development permits and orders.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 125.022, 163.3184, and 166.033.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.