

By Senator McClain

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A bill to be entitled

An act relating to local government land regulation; amending s. 125.022, F.S.; requiring counties to meet specified requirements regarding the minimum information necessary for certain applications; revising timeframes for processing applications for approval of development permits or development orders; prohibiting counties from limiting the number of quasi-judicial or public hearings held each month in certain circumstances; defining the term "substantive change"; providing refund parameters in situations where the county fails to meet certain timeframes; providing exceptions; amending s. 163.3184, F.S.; revising the expedited state review process for adoption of comprehensive plan amendments; amending s. 166.033, F.S.; requiring municipalities to meet specified requirements regarding the minimum information necessary for certain applications; revising timeframes for processing applications for approval of development permits or development orders; prohibiting municipalities from limiting the number of quasi-judicial or public hearings held each month in certain circumstances; defining the term "substantive change"; providing refund parameters in situations where the municipality fails to meet certain timeframes; providing exceptions; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

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Section 1. Section 125.022, Florida Statutes, is amended to read:

125.022 Development permits and orders.—

(1) A county shall 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. A county shall make the minimum information available for inspection and copying at the location where the county receives applications for development permits and orders, provide the information to the applicant at a preapplication meeting, or post the information on the county's website.

(2) Within 5 business days after receiving an application for approval of a development permit or development order, a county shall confirm receipt of the application using contact information provided by the applicant. Within 30 days after receiving an application for approval of a development permit or development order, a county must review the application for completeness and issue a written notification to the applicant ~~letter~~ indicating that all required information is submitted or specify in writing specifying with particularity 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. 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

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the application complete, ~~or 180 days~~ For applications that 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 180 days after the county has deemed the application complete. A county may not limit 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 development order. Both parties may agree in writing to ~~a reasonable request~~ ~~for~~ an extension of time, particularly in the event of a force majeure or other extraordinary circumstance. 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 decision. The timeframes contained in this subsection do not apply in an area of critical state concern, as designated in s. 380.0552. The timeframes contained in this subsection restart if an applicant makes a substantive change to the application. As used in this subsection, the term "substantive change" means an applicant-initiated change of 15 percent or more in the proposed density, intensity, or square footage of a parcel.

(3) (a) ~~(2) (a)~~ When reviewing an application for a development permit or development order that is certified by a professional listed in s. 403.0877, a county may not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing.

(b) If a county makes a request for additional information and the applicant submits the required additional information

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within 30 days after receiving the request, the county must review the application for completeness and issue a letter indicating that all required information has been submitted or specify with particularity any areas that are deficient within 30 days after receiving the additional information.

(c) If a county makes a second request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the county must review the application for completeness and issue a letter indicating that all required information has been submitted or specify with particularity any areas that are deficient within 10 days after receiving the additional information.

(d) Before a third request for additional information, the applicant must be offered a meeting to attempt to resolve outstanding issues. If a county makes a third request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the county must 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's limitation in writing as described in paragraph (a).

(e) Except as provided in subsection (7) ~~(5)~~, if the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the county, at the applicant's request, shall proceed to process the application for approval or denial.

(4) A county must issue a refund to an applicant equal to:

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117 (a) Ten percent of the application fee if the county fails
118 to issue written notification of completeness or written
119 specification of areas of deficiency within 30 days after
120 receiving the application.

121 (b) Ten percent of the application fee if the county fails
122 to issue a written notification of completeness or written
123 specification of areas of deficiency within 30 days after
124 receiving the additional information pursuant to paragraph
125 (3) (b).

126 (c) Twenty percent of the application fee if the county
127 fails to issue a written notification of completeness or written
128 specification of areas of deficiency within 10 days after
129 receiving the additional information pursuant to paragraph
130 (3) (c).

131 (d) Fifty percent of the application fee if the county
132 fails to approve, approves with conditions, or denies the
133 application within 30 days after conclusion of the 120-day or
134 180-day timeframe specified in subsection (2).

135 (e) One hundred percent of the application fee if the
136 county fails to approve, approves with conditions, or denies an
137 application 31 days or more after conclusion of the 120-day or
138 180-day timeframe specified in subsection (2).

139
140 A county is not required to issue a refund if the applicant and
141 the county agree to an extension of time, the delay is caused by
142 the applicant, or the delay is attributable to a force majeure
143 or other extraordinary circumstance.

144 (5)-(3) When a county denies an application for a
145 development permit or development order, the county shall give

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146 written notice to the applicant. The notice must include a
147 citation to the applicable portions of an ordinance, rule,
148 statute, or other legal authority for the denial of the permit
149 or order.

150 (6)~~(4)~~ As used in this section, the terms "development
151 permit" and "development order" have the same meaning as in s.
152 163.3164, but do not include building permits.

153 (7)~~(5)~~ For any development permit application filed with
154 the county after July 1, 2012, a county may not require as a
155 condition of processing or issuing a development permit or
156 development order that an applicant obtain a permit or approval
157 from any state or federal agency unless the agency has issued a
158 final agency action that denies the federal or state permit
159 before the county action on the local development permit.

160 (8)~~(6)~~ Issuance of a development permit or development
161 order by a county does not in any way create any rights on the
162 part of the applicant to obtain a permit from a state or federal
163 agency and does not create any liability on the part of the
164 county for issuance of the permit if the applicant fails to
165 obtain requisite approvals or fulfill the obligations imposed by
166 a state or federal agency or undertakes actions that result in a
167 violation of state or federal law. A county shall attach such a
168 disclaimer to the issuance of a development permit and shall
169 include a permit condition that all other applicable state or
170 federal permits be obtained before commencement of the
171 development.

172 (9)~~(7)~~ This section does not prohibit a county from
173 providing information to an applicant regarding what other state
174 or federal permits may apply.

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Section 2. Paragraphs (b) and (c) of subsection (3) of section 163.3184, Florida Statutes, are amended to read:

163.3184 Process for adoption of comprehensive plan or plan amendment.—

(3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS.—

(b)1. If a plan amendment or amendments are adopted, the local government, after the initial public hearing held pursuant to subsection (11), shall transmit, within 10 working days after the date of adoption, the amendment or amendments and appropriate supporting data and analyses to the reviewing agencies. The local governing body shall also transmit a copy of the amendments and supporting data and analyses to any other local government or governmental agency that has filed a written request with the governing body.

2. The reviewing agencies and any other local government or governmental agency specified in subparagraph 1. may provide comments regarding the amendment or amendments to the local government. State agencies shall only comment on important state resources and facilities that will be adversely impacted by the amendment if adopted. Comments provided by state agencies shall state with specificity how the plan amendment will adversely impact an important state resource or facility and shall identify measures the local government may take to eliminate, reduce, or mitigate the adverse impacts. Such comments, if not resolved, may result in a challenge by the state land planning agency to the plan amendment. Agencies and local governments must transmit their comments to the affected local government such that they are received by the local government not later

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than 30 days after the date on which the agency or government received the amendment or amendments. Reviewing agencies shall also send a copy of their comments to the state land planning agency.

3. Comments to the local government from a regional planning council, county, or municipality shall be limited as follows:

a. The regional planning council review and comments shall be limited to adverse effects on regional resources or facilities identified in the strategic regional policy plan and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. A regional planning council may not review and comment on a proposed comprehensive plan amendment prepared by such council unless the plan amendment has been changed by the local government subsequent to the preparation of the plan amendment by the regional planning council.

b. County comments shall be in the context of the relationship and effect of the proposed plan amendments on the county plan.

c. Municipal comments shall be in the context of the relationship and effect of the proposed plan amendments on the municipal plan.

d. Military installation comments shall be provided in accordance with s. 163.3175.

4. Comments to the local government from state agencies shall be limited to the following subjects as they relate to important state resources and facilities that will be adversely impacted by the amendment if adopted:

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a. The Department of Environmental Protection shall limit its comments to the subjects of air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, and conservation easements; solid waste; water and wastewater treatment; and the Everglades ecosystem restoration.

b. The Department of State shall limit its comments to the subjects of historic and archaeological resources.

c. The Department of Transportation shall limit its comments to issues within the agency's jurisdiction as it relates to transportation resources and facilities of state importance.

d. The Fish and Wildlife Conservation Commission shall limit its comments to subjects relating to fish and wildlife habitat and listed species and their habitat.

e. The Department of Agriculture and Consumer Services shall limit its comments to the subjects of agriculture, forestry, and aquaculture issues.

f. The Department of Education shall limit its comments to the subject of public school facilities.

g. The appropriate water management district shall limit its comments to flood protection and floodplain management, wetlands and other surface waters, and regional water supply.

h. The state land planning agency shall limit its comments to important state resources and facilities outside the jurisdiction of other commenting state agencies and may include comments on countervailing planning policies and objectives served by the plan amendment that should be balanced against

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potential adverse impacts to important state resources and facilities.

(c)1. The local government shall hold a second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments pursuant to subsection (11). If the local government fails, within 180 days after receipt of agency comments, to hold the second public hearing, ~~and to adopt the comprehensive plan amendments,~~ the amendments are deemed withdrawn unless extended by agreement with notice to the state land planning agency and any affected person that provided comments on the amendment. The local government is in compliance if the second public hearing is held within the 180-day period following receipt of agency comments, even if the amendments are approved at a subsequent hearing. The 180-day limitation does not apply to amendments processed pursuant to s. 380.06.

2. All comprehensive plan amendments adopted by the governing body, along with the supporting data and analysis, shall be transmitted within 10 working days after the final adoption hearing to the state land planning agency and any other agency or local government that provided timely comments under subparagraph (b)2. If the local government fails to transmit the comprehensive plan amendments within 10 working days after the final adoption hearing, the amendments are deemed withdrawn.

3. The state land planning agency shall notify the local government of any deficiencies within 5 working days after receipt of an amendment package. For purposes of completeness, an amendment shall be deemed complete if it contains a full, executed copy of:

a. The adoption ordinance or ordinances;

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b. In the case of a text amendment, the amended language in legislative format with new words inserted in the text underlined, and words deleted stricken with hyphens;

c. In the case of a future land use map amendment, the future land use map clearly depicting the parcel, its existing future land use designation, and its adopted designation; and

d. Any data and analyses the local government deems appropriate.

4. An amendment adopted under this paragraph does not become effective until 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

Section 3. Section 166.033, Florida Statutes, is amended to read:

166.033 Development permits and orders.—

(1) A municipality shall specify in writing the minimum information that must be submitted for an application for a zoning approval, rezoning approval, subdivision approval, certification, special exception, or variance. A municipality shall make the minimum information available for inspection and copying at the location where the municipality receives applications for development permits and orders, provide the information to the applicant at a preapplication meeting, or post the information on the municipality's website.

(2) Within 5 business days after receiving an application for approval of a development permit or development order, a

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320 municipality shall confirm receipt of the application using
321 contact information provided by the applicant. Within 30 days
322 after receiving an application for approval of a development
323 permit or development order, a municipality must review the
324 application for completeness and issue a written notification to
325 the applicant ~~letter~~ indicating that all required information is
326 submitted or specify in writing ~~specifying~~ with particularity
327 any areas that are deficient. If the application is deficient,
328 the applicant has 30 days to address the deficiencies by
329 submitting the required additional information. For applications
330 that do not require final action through a quasi-judicial
331 hearing or a public hearing, the municipality must approve,
332 approve with conditions, or deny the application for a
333 development permit or development order within 120 days after
334 the municipality has deemed the application complete. ~~, or 180~~
335 ~~days~~ For applications that require final action through a quasi-
336 judicial hearing or a public hearing, the municipality must
337 approve, approve with conditions, or deny the application for a
338 development permit or development order within 180 days after
339 the municipality has deemed the application complete. A
340 municipality may not limit the number of quasi-judicial hearings
341 or public hearings held each month if such limitation causes any
342 delay in the consideration of an application for approval of a
343 development permit or development order. Both parties may agree
344 in writing to a ~~reasonable request for~~ an extension of time,
345 particularly in the event of a force majeure or other
346 extraordinary circumstance. An approval, approval with
347 conditions, or denial of the application for a development
348 permit or development order must include written findings

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supporting the municipality's decision. The timeframes contained in this subsection do not apply in an area of critical state concern, as designated in s. 380.0552 or chapter 28-36, Florida Administrative Code. The timeframes contained in this subsection restart if an applicant makes a substantive change to the application. As used in this subsection, the term "substantive change" means an applicant-initiated change of 15 percent or more in the proposed density, intensity, or square footage of a parcel.

(3) (a) ~~(2) (a)~~ When reviewing an application for a development permit or development order that is certified by a professional listed in s. 403.0877, a municipality may not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing.

(b) If a municipality makes a request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the municipality must review the application for completeness and issue a letter indicating that all required information has been submitted or specify with particularity any areas that are deficient within 30 days after receiving the additional information.

(c) If a municipality makes a second request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the municipality must review the application for completeness and issue a letter indicating that all required information has been submitted or specify with particularity any areas that are

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deficient within 10 days after receiving the additional information.

(d) Before a third request for additional information, the applicant must be offered a meeting to attempt to resolve outstanding issues. If a municipality makes a third request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the municipality must 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 municipality's limitation in writing as described in paragraph (a).

(e) Except as provided in subsection (7) ~~(5)~~, if the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the municipality, at the applicant's request, shall proceed to process the application for approval or denial.

(4) A municipality must issue a refund to an applicant equal to:

(a) Ten percent of the application fee if the municipality fails to issue written notification of completeness or written specification of areas of deficiency within 30 days after receiving the application.

(b) Ten percent of the application fee if the municipality fails to issue written notification of completeness or written specification of areas of deficiency within 30 days after receiving the additional information pursuant to paragraph (3) (b) .

(c) Twenty percent of the application fee if the

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407 municipality fails to issue written notification of completeness
408 or written specification of areas of deficiency within 10 days
409 after receiving the additional information pursuant to paragraph
410 (3) (c).

411 (d) Fifty percent of the application fee if the
412 municipality fails to approve, approves with conditions, or
413 denies the application within 30 days after conclusion of the
414 120-day or 180-day timeframe specified in subsection (2).

415 (e) One hundred percent of the application fee if the
416 municipality fails to approve, approves with conditions, or
417 denies an application 31 days or more after conclusion of the
418 120-day or 180-day timeframe specified in subsection (2).

419
420 A municipality is not required to issue a refund if the
421 applicant and the municipality agree to an extension of time,
422 the delay is caused by the applicant, or the delay is
423 attributable to a force majeure or other extraordinary
424 circumstance.

425 (5)~~(3)~~ When a municipality denies an application for a
426 development permit or development order, the municipality shall
427 give written notice to the applicant. The notice must include a
428 citation to the applicable portions of an ordinance, rule,
429 statute, or other legal authority for the denial of the permit
430 or order.

431 (6)~~(4)~~ As used in this section, the terms "development
432 permit" and "development order" have the same meaning as in s.
433 163.3164, but do not include building permits.

434 (7)~~(5)~~ For any development permit application filed with
435 the municipality after July 1, 2012, a municipality may not

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require as a condition of processing or issuing a development permit or development order that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued a final agency action that denies the federal or state permit before the municipal action on the local development permit.

(8)~~(6)~~ Issuance of a development permit or development order by a municipality does not create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. A municipality shall attach such a disclaimer to the issuance of development permits and shall include a permit condition that all other applicable state or federal permits be obtained before commencement of the development.

(9)~~(7)~~ This section does not prohibit a municipality from providing information to an applicant regarding what other state or federal permits may apply.

Section 4. This act shall take effect October 1, 2025.