1	A bill to be entitled
2	An act relating to local government land regulation;
3	amending s. 125.022, F.S.; requiring counties to
4	specify minimum information necessary for certain
5	applications; revising timeframes for processing
6	applications for approval of development permits or
7	development orders; defining the term "substantive
8	change"; providing refund parameters in situations
9	where the county fails to meet certain timeframes;
10	providing exceptions; amending s. 163.3180, F.S.;
11	prohibiting a school district from collecting,
12	charging, or imposing certain fees unless they meet
13	certain requirements; providing a standard of review
14	for actions challenging such fees; amending s.
15	163.31801, F.S.; revising the voting threshold
16	required for approval of certain impact fee increase
17	ordinances by local governments, school districts, and
18	special districts; requiring that certain impact fee
19	increases be implemented in specified increments;
20	prohibiting a local government from increasing an
21	impact fee rate beyond certain phase-in limitations
22	under certain circumstances; deleting retroactive
23	applicability; amending s. 163.3184, F.S.; revising
24	the expedited state review process for adoption of
25	comprehensive plan amendments; amending s. 166.033,
26	F.S.; requiring municipalities to specify minimum
27	information necessary for certain applications;
28	revising timeframes for processing applications for
29	approval of development permits or development orders;

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30	defining the term "substantive change"; providing
31	refund parameters in situations where the municipality
32	fails to meet certain timeframes; providing
33	exceptions; providing an effective date.
34	
35	Be It Enacted by the Legislature of the State of Florida:
36	
37	Section 1. Section 125.022, Florida Statutes, is amended to
38	read:
39	125.022 Development permits and orders
40	(1) A county shall specify in writing the minimum
41	information that must be submitted in an application for a
42	zoning approval, rezoning approval, subdivision approval,
43	certification, special exception, or variance. A county shall
44	make the minimum information available for inspection and
45	copying at the location where the county receives applications
46	for development permits and orders, provide the information to
47	the applicant at a preapplication meeting, or post the
48	information on the county's website.
49	(2) Within 5 business days after receiving an application
50	for approval of a development permit or development order, a
51	county shall confirm receipt of the application using contact
52	information provided by the applicant. Within 30 days after
53	receiving an application for approval of a development permit or
54	development order, a county must review the application for
55	completeness and issue a written notification to the applicant
56	letter indicating that all required information is submitted or
57	specify in writing specifying with particularity any areas that
58	are deficient. If the application is deficient, the applicant

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59 has 30 days to address the deficiencies by submitting the required additional information. For applications that do not 60 require final action through a quasi-judicial hearing or a 61 62 public hearing, the county must approve, approve with 63 conditions, or deny the application for a development permit or 64 development order within 120 days after the county has deemed 65 the application complete., or 180 days For applications that 66 require final action through a quasi-judicial hearing or a 67 public hearing, the county must approve, approve with 68 conditions, or deny the application for a development permit or 69 development order within 180 days after the county has deemed 70 the application complete. Both parties may agree in writing to a 71 reasonable request for an extension of time, particularly in the 72 event of a force majeure or other extraordinary circumstance. An approval, approval with conditions, or denial of the application 73 74 for a development permit or development order must include 75 written findings supporting the county's decision. The 76 timeframes contained in this subsection do not apply in an area 77 of critical state concern, as designated in s. 380.0552. The 78 timeframes contained in this subsection restart if an applicant 79 makes a substantive change to the application. As used in this 80 subsection, the term "substantive change" means an applicant-81 initiated change of 15 percent or more in the proposed density, intensity, or square footage of a parcel. 82

83 <u>(3) (a) (2) (a)</u> When reviewing an application for a 84 development permit or development order that is certified by a 85 professional listed in s. 403.0877, a county may not request 86 additional information from the applicant more than three times, 87 unless the applicant waives the limitation in writing.

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(b) If a county makes a 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 30 days after receiving the additional information.

95 (c) If a county makes a second request for additional 96 information and the applicant submits the required additional 97 information within 30 days after receiving the request, the 98 county must review the application for completeness and issue a 99 letter indicating that all required information has been 100 submitted or specify with particularity any areas that are 101 deficient within 10 days after receiving the additional information. 102

103 (d) Before a third request for additional information, the 104 applicant must be offered a meeting to attempt to resolve 105 outstanding issues. If a county makes a third request for 106 additional information and the applicant submits the required 107 additional information within 30 days after receiving the 108 request, the county must deem the application complete within 10 109 days after receiving the additional information or proceed to 110 process the application for approval or denial unless the 111 applicant waived the county's limitation in writing as described 112 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

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117	to process the application for approval or denial.
118	(4) A county must issue a refund to an applicant equal to:
119	(a) Ten percent of the application fee if the county fails
120	to issue written notification of completeness or written
121	specification of areas of deficiency within 30 days after
122	receiving the application.
123	(b) Ten percent of the application fee if the county fails
124	to issue a written notification of completeness or written
125	specification of areas of deficiency within 30 days after
126	receiving the additional information pursuant to paragraph
127	<u>(3)(b).</u>
128	(c) Twenty percent of the application fee if the county
129	fails to issue a written notification of completeness or written
130	specification of areas of deficiency within 10 days after
131	receiving the additional information pursuant to paragraph
132	<u>(3)(c).</u>
133	(d) Fifty percent of the application fee if the county
134	fails to approve, approves with conditions, or denies the
135	application within 30 days after conclusion of the 120-day or
136	180-day timeframe specified in subsection (2).
137	(e) One hundred percent of the application fee if the
138	county fails to approve, approves with conditions, or denies an
139	application 31 days or more after conclusion of the 120-day or
140	180-day timeframe specified in subsection (2).
141	
142	A county is not required to issue a refund if the applicant and
143	the county agree to an extension of time, the delay is caused by
144	the applicant, or the delay is attributable to a force majeure
145	or other extraordinary circumstance.

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146 <u>(5)(3)</u> When a county denies an application for a 147 development permit or development order, the county shall give 148 written notice to the applicant. The notice must include a 149 citation to the applicable portions of an ordinance, rule, 150 statute, or other legal authority for the denial of the permit 151 or order.

152 <u>(6) (4)</u> As used in this section, the terms "development 153 permit" and "development order" have the same meaning as in s. 154 163.3164, but do not include building permits.

155 <u>(7)(5)</u> For any development permit application filed with 156 the county after July 1, 2012, a county may not require as a 157 condition of processing or issuing a development permit or 158 development order that an applicant obtain a permit or approval 159 from any state or federal agency unless the agency has issued a 160 final agency action that denies the federal or state permit 161 before the county action on the local development permit.

162 (8) (6) Issuance of a development permit or development 163 order by a county does not in any way create any rights on the 164 part of the applicant to obtain a permit from a state or federal 165 agency and does not create any liability on the part of the 166 county for issuance of the permit if the applicant fails to 167 obtain requisite approvals or fulfill the obligations imposed by 168 a state or federal agency or undertakes actions that result in a 169 violation of state or federal law. A county shall attach such a disclaimer to the issuance of a development permit and shall 170 171 include a permit condition that all other applicable state or 172 federal permits be obtained before commencement of the 173 development.

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(9) (7) This section does not prohibit a county from

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175 providing information to an applicant regarding what other state 176 or federal permits may apply.

Section 2. Present paragraph (j) of subsection (6) of section 163.3180, Florida Statutes, is redesignated as paragraph (k), and a new paragraph (j) is added to that subsection, to read:

181

163.3180 Concurrency.-

182

(6)

(j) A school district may not collect, charge, or impose 183 184 any alternative fee in lieu of an impact fee to mitigate the 185 impact of development on educational facilities unless such fee 186 meets the requirements of s. 163.31801(4)(f) and (g). In any 187 action challenging a fee under this paragraph, the school 188 district has the burden of proving by a preponderance of the evidence that the imposition and amount of the fee meet the 189 190 requirements of state legal precedent.

191 Section 3. Paragraphs (g) and (h) of subsection (6) of 192 section 163.31801, Florida Statutes, are amended to read: 193 163.31801 Impact fees; short title; intent; minimum 194 requirements; audits; challenges.-

(6) A local government, school district, or special
district may increase an impact fee only as provided in this
subsection.

(g)<u>1.</u> A local government, school district, or special district may increase an impact fee rate beyond the phase-in limitations established under paragraph (b), paragraph (c), paragraph (d), or paragraph (e) by establishing the need for such increase in full compliance with the requirements of subsection (4), provided the following criteria are met:

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204	a. 1. A demonstrated-need study justifying any increase in
205	 excess of those authorized in paragraph (b), paragraph (c),
206	paragraph (d), or paragraph (e) has been completed within the 12
207	months before the adoption of the impact fee increase and
208	expressly demonstrates the extraordinary circumstances
209	necessitating the need to exceed the phase-in limitations.
210	b.2. The local government jurisdiction has held <u>at least</u>
211	not less than two publicly noticed workshops dedicated to the
212	extraordinary circumstances necessitating the need to exceed the
213	phase-in limitations set forth in paragraph (b), paragraph (c),
214	paragraph (d), or paragraph (e).
215	c.3. The impact fee increase ordinance is approved by at
216	least a <u>unanimous</u> two-thirds vote of the governing body.
217	2. An impact fee increase approved under this paragraph
218	must be implemented in at least two but not more than four equal
219	annual increments beginning with the date on which the impact
220	fee increase ordinance is adopted.
221	3. A local government may not increase an impact fee rate
222	beyond the phase-in limitations under this paragraph if the
223	local government has not increased the impact fee within the
224	past 5 years. Any year in which the local government is
225	prohibited from increasing an impact fee because the
226	jurisdiction is in a hurricane disaster area is not included in
227	the 5-year period.
228	(h) This subsection operates retroactively to January 1,
229	2021.
230	Section 4. Paragraphs (b) and (c) of subsection (3) of
231	section 163.3184, Florida Statutes, are amended to read:
232	163.3184 Process for adoption of comprehensive plan or plan

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233 amendment.-

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

236 (b)1. If a plan amendment or amendments are adopted, the 237 local government, after the initial public hearing held pursuant 238 to subsection (11), shall transmit, within 10 working days after 239 the date of adoption, the amendment or amendments and 240 appropriate supporting data and analyses to the reviewing agencies. The local governing body shall also transmit a copy of 241 242 the amendments and supporting data and analyses to any other 243 local government or governmental agency that has filed a written 244 request with the governing body.

245 2. The reviewing agencies and any other local government or 246 governmental agency specified in subparagraph 1. may provide 247 comments regarding the amendment or amendments to the local 248 government. State agencies shall only comment on important state 249 resources and facilities that will be adversely impacted by the 250 amendment if adopted. Comments provided by state agencies shall 251 state with specificity how the plan amendment will adversely 252 impact an important state resource or facility and shall 253 identify measures the local government may take to eliminate, 254 reduce, or mitigate the adverse impacts. Such comments, if not 255 resolved, may result in a challenge by the state land planning 256 agency to the plan amendment. Agencies and local governments must transmit their comments to the affected local government 257 258 such that they are received by the local government not later 259 than 30 days after the date on which the agency or government 260 received the amendment or amendments. Reviewing agencies shall 261 also send a copy of their comments to the state land planning

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262 agency. 263 3. Comments to the local government from a regional 264 planning council, county, or municipality shall be limited as 265 follows: 266 a. The regional planning council review and comments shall 267 be limited to adverse effects on regional resources or 268 facilities identified in the strategic regional policy plan and 269 extrajurisdictional impacts that would be inconsistent with the 270 comprehensive plan of any affected local government within the 271 region. A regional planning council may not review and comment 272 on a proposed comprehensive plan amendment prepared by such 273 council unless the plan amendment has been changed by the local 274 government subsequent to the preparation of the plan amendment 275 by the regional planning council. 276 b. County comments shall be in the context of the 277 relationship and effect of the proposed plan amendments on the 278 county plan. 279 c. Municipal comments shall be in the context of the 280 relationship and effect of the proposed plan amendments on the 281 municipal plan. 282 d. Military installation comments shall be provided in 283 accordance with s. 163.3175. 284 4. Comments to the local government from state agencies 285 shall be limited to the following subjects as they relate to 286 important state resources and facilities that will be adversely 287 impacted by the amendment if adopted: 288 The Department of Environmental Protection shall limit a. 289 its comments to the subjects of air and water pollution; 290 wetlands and other surface waters of the state; federal and

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291 state-owned lands and interest in lands, including state parks, 292 greenways and trails, and conservation easements; solid waste; 293 water and wastewater treatment; and the Everglades ecosystem 294 restoration.

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

297 c. The Department of Transportation shall limit its 298 comments to issues within the agency's jurisdiction as it 299 relates to transportation resources and facilities of state 300 importance.

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

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

307 f. The Department of Education shall limit its comments to 308 the subject of public school facilities.

309 g. The appropriate water management district shall limit
310 its comments to flood protection and floodplain management,
311 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 potential adverse impacts to important state resources and facilities.

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(c)1. The local government shall hold a second public

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320 hearing, which shall be a hearing on whether to adopt one or 321 more comprehensive plan amendments pursuant to subsection (11). 322 If the local government fails, within 180 days after receipt of 323 agency comments, to hold the second public hearing, and to adopt 324 the comprehensive plan amendments, the amendments are deemed 325 withdrawn unless extended by agreement with notice to the state 326 land planning agency and any affected person that provided 327 comments on the amendment. The local government is in compliance 328 if the second public hearing is held within the 180-day period 329 following receipt of agency comments, even if the amendments are 330 approved at a subsequent hearing. The 180-day limitation does 331 not apply to amendments processed pursuant to s. 380.06.

332 2. All comprehensive plan amendments adopted by the 333 governing body, along with the supporting data and analysis, 334 shall be transmitted within 10 working days after the final 335 adoption hearing to the state land planning agency and any other 336 agency or local government that provided timely comments under 337 subparagraph (b)2. If the local government fails to transmit the 338 comprehensive plan amendments within 10 working days after the 339 final adoption hearing, the amendments are deemed withdrawn.

340 3. The state land planning agency shall notify the local 341 government of any deficiencies within 5 working days after 342 receipt of an amendment package. For purposes of completeness, 343 an amendment shall be deemed complete if it contains a full, 344 executed copy of:

345

a. The adoption ordinance or ordinances;

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;

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349 c. In the case of a future land use map amendment, the 350 future land use map clearly depicting the parcel, its existing future land use designation, and its adopted designation; and 351 352 d. Any data and analyses the local government deems 353 appropriate. 354 4. An amendment adopted under this paragraph does not 355 become effective until 31 days after the state land planning 356 agency notifies the local government that the plan amendment 357 package is complete. If timely challenged, an amendment does not 358 become effective until the state land planning agency or the 359 Administration Commission enters a final order determining the 360 adopted amendment to be in compliance. Section 5. Section 166.033, Florida Statutes, is amended to 361 362 read: 363 166.033 Development permits and orders.-364 (1) A municipality shall specify in writing the minimum 365 information that must be submitted for an application for a 366 zoning approval, rezoning approval, subdivision approval, 367 certification, special exception, or variance. A municipality 368 shall make the minimum information available for inspection and 369 copying at the location where the municipality receives 370 applications for development permits and orders, provide the 371 information to the applicant at a preapplication meeting, or 372 post the information on the municipality's website. 373 (2) Within 5 business days after receiving an application 374 for approval of a development permit or development order, a 375 municipality shall confirm receipt of the application using 376 contact information provided by the applicant. Within 30 days 377 after receiving an application for approval of a development

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378 permit or development order, a municipality must review the 379 application for completeness and issue a written notification to the applicant letter indicating that all required information is 380 381 submitted or specify in writing specifying with particularity 382 any areas that are deficient. If the application is deficient, 383 the applicant has 30 days to address the deficiencies by 384 submitting the required additional information. For applications 385 that do not require final action through a quasi-judicial 386 hearing or a public hearing, the municipality must approve, 387 approve with conditions, or deny the application for a 388 development permit or development order within 120 days after the municipality has deemed the application complete., or 180 389 390 days For applications that require final action through a quasi-391 judicial hearing or a public hearing, the municipality must approve, approve with conditions, or deny the application for a 392 393 development permit or development order within 180 days after 394 the municipality has deemed the application complete. Both 395 parties may agree in writing to a reasonable request for an extension of time, particularly in the event of a force majeure 396 397 or other extraordinary circumstance. An approval, approval with 398 conditions, or denial of the application for a development 399 permit or development order must include written findings 400 supporting the municipality's decision. The timeframes contained 401 in this subsection do not apply in an area of critical state 402 concern, as designated in s. 380.0552 or chapter 28-36, Florida 403 Administrative Code. The timeframes contained in this subsection 404 restart if an applicant makes a substantive change to the 405 application. As used in this subsection, the term "substantive 406 change" means an applicant-initiated change of 15 percent or

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407 <u>more in the proposed density, intensity, or square footage of a</u> 408 parcel.

409 <u>(3) (a) (2) (a)</u> When reviewing an application for a 410 development permit or development order that is certified by a 411 professional listed in s. 403.0877, a municipality may not 412 request additional information from the applicant more than 413 three times, unless the applicant waives the limitation in 414 writing.

415 (b) If a municipality makes a request for additional 416 information and the applicant submits the required additional 417 information within 30 days after receiving the request, the 418 municipality must review the application for completeness and 419 issue a letter indicating that all required information has been 420 submitted or specify with particularity any areas that are 421 deficient within 30 days after receiving the additional 422 information.

423 (c) If a municipality makes a second request for additional 424 information and the applicant submits the required additional information within 30 days after receiving the request, the 425 426 municipality must review the application for completeness and 427 issue a letter indicating that all required information has been 428 submitted or specify with particularity any areas that are 429 deficient within 10 days after receiving the additional information. 430

(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

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436	request, the municipality must deem the application complete
437	within 10 days after receiving the additional information or
438	proceed to process the application for approval or denial unless
439	the applicant waived the municipality's limitation in writing as
440	described in paragraph (a).
441	(e) Except as provided in subsection (7) (5), if the
442	applicant believes the request for additional information is not
443	authorized by ordinance, rule, statute, or other legal
444	authority, the municipality, at the applicant's request, shall
445	proceed to process the application for approval or denial.
446	(4) A municipality must issue a refund to an applicant
447	equal to:
448	(a) Ten percent of the application fee if the municipality
449	fails to issue written notification of completeness or written
450	specification of areas of deficiency within 30 days after
451	receiving the application.
452	(b) Ten percent of the application fee if the municipality
453	fails to issue written notification of completeness or written
454	specification of areas of deficiency within 30 days after
455	receiving the additional information pursuant to paragraph
456	<u>(3)(b)</u> .
457	(c) Twenty percent of the application fee if the
458	municipality fails to issue written notification of completeness
459	or written specification of areas of deficiency within 10 days
460	after receiving the additional information pursuant to paragraph
461	<u>(3)(c).</u>
462	(d) Fifty percent of the application fee if the
463	municipality fails to approve, approves with conditions, or
464	denies the application within 30 days after conclusion of the

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465	120-day or 180-day timeframe specified in subsection (2).
466	(e) One hundred percent of the application fee if the
467	municipality fails to approve, approves with conditions, or
468	denies an application 31 days or more after conclusion of the
469	120-day or 180-day timeframe specified in subsection (2).
470	
471	A municipality is not required to issue a refund if the
472	applicant and the municipality agree to an extension of time,
473	the delay is caused by the applicant, or the delay is
474	attributable to a force majeure or other extraordinary
475	circumstance.
476	(5)(3) When a municipality denies an application for a
477	development permit or development order, the municipality shall
478	give written notice to the applicant. The notice must include a
479	citation to the applicable portions of an ordinance, rule,

480 statute, or other legal authority for the denial of the permit 481 or order.

482 <u>(6)(4)</u> As used in this section, the terms "development 483 permit" and "development order" have the same meaning as in s. 484 163.3164, but do not include building permits.

485 (7) (7) (5) For any development permit application filed with 486 the municipality after July 1, 2012, a municipality may not 487 require as a condition of processing or issuing a development permit or development order that an applicant obtain a permit or 488 489 approval from any state or federal agency unless the agency has 490 issued a final agency action that denies the federal or state 491 permit before the municipal action on the local development 492 permit.

493

(8) (6) Issuance of a development permit or development

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494 order by a municipality does not create any right on the part of 495 an applicant to obtain a permit from a state or federal agency 496 and does not create any liability on the part of the 497 municipality for issuance of the permit if the applicant fails 498 to obtain requisite approvals or fulfill the obligations imposed 499 by a state or federal agency or undertakes actions that result 500 in a violation of state or federal law. A municipality shall 501 attach such a disclaimer to the issuance of development permits 502 and shall include a permit condition that all other applicable 503 state or federal permits be obtained before commencement of the 504 development.

505 <u>(9)</u>(7) This section does not prohibit a municipality from 506 providing information to an applicant regarding what other state 507 or federal permits may apply.

508

Section 6. This act shall take effect October 1, 2025.

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