By the Committee on Community Affairs; and Senator McClain

578-02517-25 20251118c1

A bill to be entitled

An act relating to land use and development regulations; amending s. 125.022, F.S.; prohibiting a county from requiring an applicant to take certain actions as a condition of processing a development permit or development order; amending s. 163.3162, F.S.; revising a statement of legislative purpose; deleting language authorizing the owner of an agricultural enclave to apply for a comprehensive plan amendment; authorizing such owner instead to apply for administrative approval of a development regardless of future land use designations or comprehensive plan conflicts under certain circumstances; deleting a certain presumption of urban sprawl; requiring that an application for administrative approval for certain parcels include certain concepts; requiring that an authorized development be treated as a conforming use; requiring administrative approval of such development within a specified timeframe if it complies with certain requirements; prohibiting a local government from enacting or enforcing certain regulations or laws; providing that the production of ethanol from certain products in a specified manner is not chemical manufacturing or chemical refining; providing retroactive applicability; conforming provisions to changes made by the act; amending s. 163.3164, F.S.; revising the definition of the terms "agricultural enclave" and "compatibility"; amending s. 163.3167, F.S.; defining the term "land development regulation";

providing retroactive applicability; amending s. 163.3177, F.S.; prohibiting a comprehensive plan from making a certain mandate; prohibiting optional elements of a local comprehensive plan from containing certain policies; requiring the use of certain consistent data, where relevant, unless an applicant can make a certain justification; amending s. 163.31801, F.S.; defining the term "extraordinary circumstance"; amending s. 163.3184, F.S.; revising the expedited state review process for the adoption of comprehensive plan amendments; requiring a supermajority vote for the adoption of certain comprehensive plans and plan amendments; authorizing owners of property subject to a comprehensive plan amendment and persons applying for comprehensive plan amendments to file civil actions for relief in certain circumstances; providing requirements for such actions; authorizing such owners and applicants to use certain dispute resolution procedures; providing applicability; amending s. 163.3206, F.S.; revising the definition of the term "fuel terminal"; providing applicability of a prohibition on amending a comprehensive plan, a land use map, zoning districts, or land development regulations in a certain manner; amending s. 166.033, F.S.; prohibiting a municipality from requiring an applicant to take certain actions as a condition of processing a development permit or development order; amending s. 171.044, F.S.; providing that an exclusive method of voluntary

annexation may not affect certain powers granted to a municipality; providing legislative intent; providing retroactive applicability; providing that an exclusive method of voluntary annexation which requires certain county approval is void; amending s. 171.062, F.S.; providing that a certain assumption of land use regulation of land annexed by a municipality is a power of the municipality as contemplated by the State Constitution; providing applicability; providing legislative intent; providing retroactive applicability; amending s. 177.071, F.S.; requiring an approving agency to administer plat submittals and take specified actions within a certain timeframe; authorizing an applicant to request final administrative review of a plat submittal under certain circumstances; requiring a governing body to grant final administrative approval of a plat at its next regularly scheduled meeting; providing an exception; requiring such governing body to grant final administrative approval of a resubmitted plat at its next regularly scheduled meeting; amending s. 720.301, F.S.; revising definitions; amending s. 720.302, F.S.; revising applicability of the Homeowners' Association Act; amending s. 720.3086, F.S.; revising applicability of provisions requiring a certain financial report; creating part IV of ch. 720, F.S., entitled "Recreational Covenants"; creating s. 720.408, F.S.; defining terms; creating s. 720.409, F.S.; providing legislative findings and intent;

providing applicability; providing construction; creating s. 720.41, F.S.; providing requirements for certain recreational covenants recorded on or after a certain date; requiring that a recreational covenant recorded before a certain date be amended or supplemented to comply with specified requirements; limiting the annual increases in amenity fees and amenity expenses in certain circumstances; prohibiting a recreational covenant from requiring an association to collect amenity dues beginning on a specified date; prohibiting the termination of a recreational covenant or right of a private amenity owner to suspend certain rights from affecting an owner or a tenant of a parcel in a certain manner; creating s. 720.411, F.S.; requiring a specified disclosure summary for contracts for the sale of certain parcels beginning on a specified date; requiring certain persons to supply the disclosure summary; requiring that certain contracts or agreements for sale incorporate the disclosure summary and include a specified statement after a specified date; authorizing a prospective purchaser to void a contract in a specified manner under certain circumstances; creating s. 720.412, F.S.; requiring a public amenity owner annually to make a certain financial report public and available for inspection in a certain manner within a certain timeframe; providing requirements for the financial report; providing applicability; providing an effective date.

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

Section 1. Subsection (8) is added to section 125.022, Florida Statutes, to read:

125.022 Development permits and orders.—

(8) A county may not as a condition of processing or issuing a development permit or development order require an applicant to install a work of art, pay a fee for a work of art, or reimburse the county for any costs that the county may incur related to a work of art.

Section 2. Subsections (1) and (4) of section 163.3162, Florida Statutes, are amended, and subsection (5) is added to that section, to read:

163.3162 Agricultural lands and practices.—

(1) LEGISLATIVE FINDINGS AND PURPOSE.—The Legislature finds that agricultural production is a major contributor to the economy of the state; that agricultural lands constitute unique and irreplaceable resources of statewide importance; that the continuation of agricultural activities preserves the landscape and environmental resources of the state, contributes to the increase of tourism, and furthers the economic self-sufficiency of the people of the state; and that the encouragement, development, and improvement of agriculture will result in a general benefit to the health, safety, and welfare of the people of the state. It is the purpose of this act to protect reasonable agricultural activities conducted on farm lands from duplicative regulation and to protect the property rights of agricultural land owners.

(4) ADMINISTRATIVE APPROVAL ~~AMENDMENT TO LOCAL GOVERNMENT COMPREHENSIVE PLAN~~.—The owner of ~~a parcel of~~ land defined as an agricultural enclave under s. 163.3164 may apply for administrative approval of development regardless of the future land use map designation of the parcel or any conflicting comprehensive plan goals, objectives, or policies if the owner's request ~~an amendment to the local government comprehensive plan pursuant to s. 163.3184. Such amendment is presumed not to be urban sprawl as defined in s. 163.3164 if it~~ includes land uses and densities and intensities of use that are consistent with the approved uses and densities and intensities of use of the industrial, commercial, or residential areas that surround the parcel. ~~This presumption may be rebutted by clear and convincing evidence.~~ Each application for administrative approval ~~a comprehensive plan amendment~~ under this subsection for a parcel larger than 700 ~~640~~ acres must include appropriate new urbanism concepts such as clustering, mixed-use development, the creation of rural village and city centers, and the transfer of development rights in order to discourage urban sprawl while protecting landowner rights. A development authorized under this subsection must be treated as a conforming use, notwithstanding the local government's comprehensive plan, future land use designation, or zoning.

(a) A proposed development authorized under this subsection must be administratively approved within 120 days after the date the local government receives a complete application, and no further action by the governing body of the local government is required. A ~~The~~ local government may not enact or enforce any regulation or law for an agricultural enclave that is more

burdensome than for other types of applications for comparable densities or intensities of use. Notwithstanding the future land use designation of the agricultural enclave or whether it is included in an urban service district, a local government must approve the application if it otherwise complies with this subsection and proposes only single-family residential, community gathering, and recreational uses at a density that does not exceed the average density allowed by a future land use designation on any adjacent parcel that allows a density of at least one dwelling unit per acre. A local government shall treat an agricultural enclave that is adjacent to an urban service district as if it were within the urban service district ~~and the owner of a parcel of land that is the subject of an application for an amendment shall have 180 days following the date that the local government receives a complete application to negotiate in good faith to reach consensus on the land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel. Within 30 days after the local government's receipt of such an application, the local government and owner must agree in writing to a schedule for information submittal, public hearings, negotiations, and final action on the amendment, which schedule may thereafter be altered only with the written consent of the local government and the owner. Compliance with the schedule in the written agreement constitutes good faith negotiations for purposes of paragraph (c)~~.

(b) ~~Upon conclusion of good faith negotiations under paragraph (a), regardless of whether the local government and~~

~~owner reach consensus on the land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel, the amendment must be transmitted to the state land planning agency for review pursuant to s. 163.3184. If the local government fails to transmit the amendment within 180 days after receipt of a complete application, the amendment must be immediately transferred to the state land planning agency for such review. A plan amendment transmitted to the state land planning agency submitted under this subsection is presumed not to be urban sprawl as defined in s. 163.3164. This presumption may be rebutted by clear and convincing evidence.~~

~~(c) If the owner fails to negotiate in good faith, a plan amendment submitted under this subsection is not entitled to the rebuttable presumption under this subsection in the negotiation and amendment process.~~

~~(d)~~ Nothing within this subsection relating to agricultural enclaves shall preempt or replace any protection currently existing for any property located within the boundaries of the following areas:

1. The Wekiva Study Area, as described in s. 369.316; or

2. The Everglades Protection Area, as defined in s. 373.4592(2).

(5) PRODUCTION OF ETHANOL.—For the purposes of this section, the production of ethanol from plants and plant products as defined in s. 581.011 by fermentation, distillation, and drying is not chemical manufacturing or chemical refining. This subsection is remedial and clarifying in nature and applies retroactively to any law, regulation, or ordinance or any

interpretation thereof.

Section 3. Subsections (4) and (9) of section 163.3164, Florida Statutes, are amended to read:

163.3164 Community Planning Act; definitions.—As used in this act:

(4) "Agricultural enclave" means an unincorporated, undeveloped parcel or parcels that:

(a) Are ~~Is~~ owned or controlled by a single person or entity;

(b) Have ~~Has~~ been in continuous use for bona fide agricultural purposes, as defined by s. 193.461, for a period of 5 years before ~~prior to~~ the date of any comprehensive plan amendment or development application;

(c)1. Are ~~Is~~ surrounded on at least 75 percent of their ~~its~~ perimeter by:

a.~~1.~~ A parcel or parcels ~~Property~~ that have ~~has~~ existing industrial, commercial, or residential development; or

b.~~2.~~ A parcel or parcels ~~Property~~ that the local government has designated, in the local government's comprehensive plan, zoning map, and future land use map, as land that is to be developed for industrial, commercial, or residential purposes, and at least 75 percent of such parcel or parcels are ~~property is~~ existing industrial, commercial, or residential development;

2. Do not exceed 700 acres and are surrounded on at least 50 percent of their perimeter by a parcel or parcels that the local government has designated in the local government's comprehensive plan and future land use map as land that is to be developed for industrial, commercial, or residential purposes; and the parcel or parcels are surrounded on at least 50 percent

of their perimeter by a parcel or parcels within an urban service district, area, or line; or

3. Were located within the boundary of a rural study area adopted in the local government's comprehensive plan as of January 1, 2025, which was intended to be developed with residential uses at a density of at least one dwelling unit per acre and was surrounded on at least 50 percent of the study area's perimeter in the local government's jurisdiction by a parcel or parcels that either are designated in the local government's comprehensive plan and future land use map as land that can be developed for industrial, commercial, or residential purposes or which has been developed with industrial, commercial, or residential uses;

(d) Have ~~Has~~ public services, including water, wastewater, transportation, schools, and recreation facilities, available or such public services are scheduled in the capital improvement element to be provided by the local government or can be provided by an alternative provider of local government infrastructure in order to ensure consistency with applicable concurrency provisions of s. 163.3180, or the applicant offers to enter into a binding agreement to pay for, construct, or contribute land for its proportionate share of such improvements; and

(e) Do ~~Does~~ not exceed 1,280 acres; however, if the parcel or parcels are ~~property is~~ surrounded by existing or authorized residential development that will result in a density at buildout of at least 1,000 residents per square mile, ~~then~~ the area must ~~shall~~ be determined to be urban and the parcel or parcels may not exceed 4,480 acres.

Where a right-of-way, body of water, or canal exists along the perimeter of a parcel, the perimeter calculations of the agricultural enclave must be based on the parcel or parcels across the right-of-way, body of water, or canal.

(9) "Compatibility" means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. All residential land use categories, residential zoning categories, and housing types are compatible with each other.

Section 4. Paragraphs (b) and (e) of subsection (8) of section 163.3167, Florida Statutes, are amended to read:

163.3167 Scope of act.—

(8)

(b) An initiative or referendum process in regard to any land development regulation is prohibited. For purposes of this paragraph, the term "land development regulation" includes any code, ordinance, rule, or charter provision that regulates or otherwise affects the use of land, including, but not limited to, density regulations; municipal boundary lines, except as specified in s. 171.044; and any regulation that could otherwise be accomplished or affected through the comprehensive planning process.

(e) It is the intent of the Legislature that initiative and referendum be prohibited in regard to any development order or land development regulation. It is the intent of the Legislature that initiative and referendum be prohibited in regard to any

local comprehensive plan amendment or map amendment, except as specifically and narrowly allowed by paragraph (c). Therefore, the prohibition on initiative and referendum imposed under this subsection ~~stated in paragraphs (a) and (c)~~ is remedial in nature and applies retroactively to any initiative or referendum process commenced after June 1, 2011, and any such initiative or referendum process commenced or completed thereafter is deemed null and void and of no legal force and effect.

Section 5. Paragraph (f) of subsection (1) and subsection (2) of section 163.3177, Florida Statutes, are amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(1) The comprehensive plan shall provide the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects community commitments to implement the plan and its elements. These principles and strategies shall guide future decisions in a consistent manner and shall contain programs and activities to ensure comprehensive plans are implemented. The sections of the comprehensive plan containing the principles and strategies, generally provided as goals, objectives, and policies, shall describe how the local government's programs, activities, and land development regulations will be initiated, modified, or continued to implement the comprehensive plan in a consistent manner. It is not the intent of this part to require the inclusion of implementing regulations in the comprehensive plan but rather to require identification of those programs, activities, and land development regulations that will be part

of the strategy for implementing the comprehensive plan and the principles that describe how the programs, activities, and land development regulations will be carried out. The plan shall establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations.

(f) All mandatory and optional elements of the comprehensive plan and plan amendments shall be based upon relevant and appropriate data and an analysis by the local government that may include, but not be limited to, surveys, studies, community goals and vision, and other data available at the time of adoption of the comprehensive plan or plan amendment. To be based on data means to react to it in an appropriate way and to the extent necessary indicated by the data available on that particular subject at the time of adoption of the plan or plan amendment at issue.

1. Surveys, studies, and data utilized in the preparation of the comprehensive plan may not be deemed a part of the comprehensive plan unless adopted as a part of it. Copies of such studies, surveys, data, and supporting documents for proposed plans and plan amendments shall be made available for public inspection, and copies of such plans shall be made available to the public upon payment of reasonable charges for reproduction. Support data or summaries are not subject to the compliance review process, but the comprehensive plan must be clearly based on appropriate data. Support data or summaries may be used to aid in the determination of compliance and consistency.

2. Data must be taken from professionally accepted sources.

The application of a methodology utilized in data collection or whether a particular methodology is professionally accepted may be evaluated. However, the evaluation may not include, and a comprehensive plan may not mandate, whether one accepted methodology is better than another. Original data collection by local governments is not required. However, local governments may use original data so long as methodologies are professionally accepted.

3. The comprehensive plan shall be based upon permanent and seasonal population estimates and projections, which shall either be those published by the Office of Economic and Demographic Research or generated by the local government based upon a professionally acceptable methodology. The plan must be based on at least the minimum amount of land required to accommodate the medium projections as published by the Office of Economic and Demographic Research for at least a 10-year planning period unless otherwise limited under s. 380.05, including related rules of the Administration Commission. Absent physical limitations on population growth, population projections for each municipality, and the unincorporated area within a county must, at a minimum, be reflective of each area's proportional share of the total county population and the total county population growth.

(2) Coordination of the required and optional ~~several~~ elements of the local comprehensive plan must ~~shall~~ be a major objective of the planning process. The required and optional ~~several~~ elements of the comprehensive plan must ~~shall~~ be consistent. Optional elements of the comprehensive plan may not contain policies that restrict the density or intensity

established in the future land use element. Where data is relevant to required and optional ~~several~~ elements, consistent data must ~~shall~~ be used, including population estimates and projections unless alternative data can be justified by an applicant for a plan amendment through new supporting data and analysis. Each map depicting future conditions must reflect the principles, guidelines, and standards within all elements, and each such map must be contained within the comprehensive plan.

Section 6. Present paragraphs (a) and (b) of subsection (3) of section 163.31801, Florida Statutes, are redesignated as paragraphs (b) and (c), respectively, a new paragraph (a) is added to that subsection, and paragraph (g) of subsection (6) of that section is republished, to read:

163.31801 Impact fees; short title; intent; minimum requirements; audits; challenges.—

(3) For purposes of this section, the term:

(a) "Extraordinary circumstance" means:

1. For a county, that the permanent population estimate determined for the county by the University of Florida Bureau of Economic and Business Research is at least 1.25 times the 5-year high-series population projection for the county as published by the University of Florida Bureau of Economic and Business Research immediately before the year of the population estimate; or

2. For a municipality, that the municipality is located within a county with such a permanent population estimate and the municipality demonstrates that it has maintained a proportionate share of the county's population growth during the preceding 5-year period.

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

(g) 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:

1. A demonstrated-need study justifying any increase in excess of those authorized in paragraph (b), paragraph (c), paragraph (d), or paragraph (e) has been completed within the 12 months before the adoption of the impact fee increase and expressly demonstrates the extraordinary circumstances necessitating the need to exceed the phase-in limitations.

2. The local government jurisdiction has held not less than two publicly noticed workshops dedicated to the extraordinary circumstances necessitating the need to exceed the phase-in limitations set forth in paragraph (b), paragraph (c), paragraph (d), or paragraph (e).

3. The impact fee increase ordinance is approved by at least a two-thirds vote of the governing body.

Section 7. Subsection (3) and paragraph (a) of subsection (11) of section 163.3184, Florida Statutes, are amended, and subsection (14) is added to that section, to read:

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

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

(a) The process for amending a comprehensive plan described in this subsection shall apply to all amendments except as provided in paragraphs (2)(b) and (c) and shall be applicable statewide.

(b)1. If a plan amendment or amendments are adopted, the local government, after the initial public hearing held pursuant to subsection (11), must ~~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 must ~~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 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:

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 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 after 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;

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.

(11) PUBLIC HEARINGS.—

(a) The procedure for transmittal of a complete proposed comprehensive plan or plan amendment pursuant to subparagraph (3)(b)1. and paragraph (4)(b) and for adoption of a comprehensive plan or plan amendment pursuant to subparagraphs (3)(c)1. and (4)(e)1. must ~~shall~~ be by affirmative vote of ~~not less than~~ a majority of the members of the governing body present at the hearing. The adoption of a comprehensive plan or plan amendment must ~~shall~~ be by ordinance approved by affirmative vote of a majority of the members of the governing body present at the hearing, except that the adoption of a comprehensive plan or plan amendment must be by affirmative vote of a supermajority of the members of the governing body if it includes a future land use category amendment for a parcel or parcels of land which is less dense or intense or includes more restrictive or burdensome procedures concerning development,

including, but not limited to, the review, approval, or issuance of a site plan, development permit, or development order. For the purposes of transmitting or adopting a comprehensive plan or plan amendment, the notice requirements in chapters 125 and 166 are superseded by this subsection, except as provided in this part.

(14) REVIEW OF APPLICATION.—An owner of real property subject to a comprehensive plan amendment or a person applying for a comprehensive plan amendment that is not adopted by the local government or who is not provided the opportunity for a hearing within 180 days after the filing of the application may file a civil action for declaratory, injunctive, or other relief, which must be reviewed de novo. The local government has the burden of proving by a preponderance of the evidence that the application is inconsistent with the local government's comprehensive plan and that the existing comprehensive plan is in compliance and supported by relevant and appropriate data and analysis. The court may not use a deferential standard for the benefit of the local government. Before initiating such an action, the owner or applicant may use the dispute resolution procedures under s. 70.45. This subsection applies to comprehensive plan amendments under review or filed on or after July 1, 2025.

Section 8. Paragraph (b) of subsection (2) and subsection (3) of section 163.3206, Florida Statutes, are amended to read:

163.3206 Fuel terminals.—

(2) As used in this section, the term:

(b) "Fuel terminal" means a storage and distribution facility for fuel, supplied by pipeline or marine vessel, which

has the capacity to receive, ~~and~~ store, or deploy a bulk transfer of fuel~~, is equipped with a loading rack~~ through equipment that ~~which fuel is~~ physically transfers the fuel ~~transferred~~ into tanker trucks, ~~or~~ rail cars, marine vessels, or marine barges, and is registered with the Internal Revenue Service as a terminal. The term also includes any adjacent submerged lands or waters used by marine vessels or marine barges for loading and offloading fuel.

(3) After July 1, 2014, a local government may not amend its comprehensive plan, land use map, zoning districts, or land development regulations in a manner that would conflict with a fuel terminal's classification as a permitted and allowable use, including, but not limited to, an amendment that causes a fuel terminal to be a nonconforming use, structure, or development. This subsection does not apply if the fuel terminal's owner notifies the local government that the owner intends to decommission the fuel terminal.

Section 9. Subsection (8) is added to section 166.033, Florida Statutes, to read:

166.033 Development permits and orders.—

(8) A municipality may not as a condition of processing or issuing a development permit or development order require an applicant to install a work of art, pay a fee for a work of art, or reimburse the municipality for any costs that the municipality may incur related to a work of art.

Section 10. Subsection (4) of section 171.044, Florida Statutes, is amended, and subsection (7) is added to that section, to read:

171.044 Voluntary annexation.—

(4) The method of annexation provided by this section shall be supplemental to any other procedure provided by general or special law, except that this section does ~~shall~~ not apply to municipalities in counties with charters which provide for an exclusive method of municipal annexation. An exclusive method of voluntary annexation may not affect the powers granted to a municipality in s. 171.062 to assume control over the land use plan of the annexed area or prevent a municipality from exercising the municipal power to ratify a voluntary annexation.

(7) It is the intent of the Legislature that the powers granted to municipalities to assume control over the land use of an annexed area be preserved. Therefore, the prohibition on affecting the powers granted to municipalities in s. 171.062 under subsection (4) is remedial in nature and applies retroactively to any exclusive method of voluntary annexation which was placed into effect after June 1, 2011. An exclusive method of voluntary annexation placed into effect thereafter which violates such prohibition is void. An exclusive method of voluntary annexation which requires approval from a county government to complete the annexation violates such prohibition and is void.

Section 11. Subsection (2) of section 171.062, Florida Statutes, is amended, and subsections (6) and (7) are added to that section, to read:

171.062 Effects of annexations or contractions.—

(2) If the area annexed was subject to a county land use plan and county zoning or subdivision regulations, these regulations remain in full force and effect until the municipality adopts a comprehensive plan amendment that includes

the annexed area. This assumption of land use regulation by the municipality is a power of a municipality as contemplated in s. 4, Art. VIII of the State Constitution.

(6) This section applies to all counties and municipalities, including municipalities in counties with charters that provide for an exclusive method of voluntary annexation.

(7) It is the intent of the Legislature that the powers granted to municipalities to assume control over the land use of an annexed area be preserved. Therefore, this section is remedial in nature and applies retroactively to any exclusive method of voluntary annexation which was placed into effect after June 1, 2011, and any such method placed into effect thereafter which limits or otherwise infringes upon the power granted to municipalities is void.

Section 12. Section 177.071, Florida Statutes, is amended to read:

177.071 Approval of plat by governing bodies.—

(1) The approving agency, which may include a board, a committee, an employee, or a consultant engaged as agent for the jurisdiction, as provided by land development regulations, shall administer plat submittals for the governing body and, within 45 days after receipt of a plat submittal, must recommend approval if the plat meets the requirements of s. 177.091 or, if the plat does not meet the requirements of s. 177.091, provide a set of written comments to the applicant specifying the areas of noncompliance. An applicant may resubmit a plat in response to such written comments. An applicant may request final administrative review of a plat submittal after responding to

two sets of written comments provided by the approving agency.

(2) Upon issuance of a recommendation of approval of a plat by the approving agency or upon request of an applicant in accordance with subsection (1), the governing body shall at its next regularly scheduled meeting grant final administrative approval of the plat ~~Before a plat is offered~~ for recording unless the governing body determines that the approving agency erred in determining that the plat meets the requirements of s. 177.091 or determines that the approving agency correctly determined that the plat does not meet the requirements of s. 177.091.~~, it must be approved by the appropriate governing body, and~~ Evidence of such final administrative approval must be placed on the plat. If not approved, the governing body must return the plat to the professional surveyor and mapper or the legal entity offering the plat for recordation in accordance with the requirements of s. 177.091. The governing body shall grant final administrative approval at its next regularly scheduled meeting following resubmittal of the plat by the applicant. For the purposes of this part:

(a) When the plat to be submitted for approval is located wholly within the boundaries of a municipality, the governing body of the municipality has exclusive jurisdiction to approve the plat.

(b) When a plat lies wholly within the unincorporated areas of a county, the governing body of the county has exclusive jurisdiction to approve the plat.

(c) When a plat lies within the boundaries of more than one governing body, two plats must be prepared and each governing body has exclusive jurisdiction to approve the plat within its

boundaries, unless the governing bodies having ~~said~~ jurisdiction agree that one plat is mutually acceptable.

(3)~~(2)~~ Any provision in a county charter, or in an ordinance of any charter county or consolidated government chartered under s. 6(e), Art. VIII of the State Constitution, which provision is inconsistent with anything contained in this section shall prevail in such charter county or consolidated government to the extent of any such inconsistency.

Section 13. Subsections (1), (8), and (10) of section 720.301, Florida Statutes, are amended to read:

720.301 Definitions.—As used in this chapter, the term:

(1) "Assessment" or "amenity fee" means a sum or sums of money payable to the association, to the developer or other owner of common areas, or to recreational facilities and other properties serving the parcels by the owners of one or more parcels as authorized in the governing documents, which if not paid by the owner of a parcel, can result in a lien against the parcel by the association. The term does not include amenity dues, amenity expenses, or amenity fees as those terms are defined in s. 720.408.

(8)(a) "Governing documents" means:

1.~~(a)~~ The recorded declaration of covenants for a community and all duly adopted and recorded amendments, supplements, and recorded exhibits thereto; and

2.~~(b)~~ The articles of incorporation and bylaws of the homeowners' association and any duly adopted amendments thereto.

(b) Consistent with s. 720.302(3)(b), recreational covenants respecting privately owned recreational amenities as set forth in part IV of this chapter are not governing documents

of an association, even if such recreational covenants are attached as exhibits to a declaration of covenants for an association. This paragraph is remedial in nature and intended to clarify existing law.

(10) "Member" means a member of an association, and may include, but is not limited to, a parcel owner or an association representing parcel owners or a combination thereof, and includes any person or entity obligated by the governing documents to pay an assessment to the association or an amenity fee.

Section 14. Subsection (3) of section 720.302, Florida Statutes, is amended to read:

720.302 Purposes, scope, and application.—

(3) This chapter does not apply to:

(a) A community that is composed of property primarily intended for commercial, industrial, or other nonresidential use; or

(b) The commercial or industrial parcels or privately owned recreational amenities in a community that contains both residential parcels and parcels intended for commercial or industrial use, except that privately owned recreational amenities are subject to and governed by part IV of this chapter.

Section 15. Section 720.3086, Florida Statutes, is amended to read:

720.3086 Financial report.—In a residential subdivision in which the owners of lots or parcels must pay mandatory maintenance or amenity fees to the subdivision developer or to the owners of the common areas, recreational facilities, and

other properties serving the lots or parcels, the developer or owner of such areas, facilities, or properties shall make public, within 60 days following the end of each fiscal year, a complete financial report of the actual, total receipts of mandatory maintenance or amenity fees received by it, and an itemized listing of the expenditures made by it from such fees, for that year. Such report must ~~shall~~ be made public by mailing it to each lot or parcel owner in the subdivision, by publishing it in a publication regularly distributed within the subdivision, or by posting it in prominent locations in the subdivision. This section does not apply to amounts paid to homeowner associations pursuant to chapter 617, chapter 718, chapter 719, chapter 721, or chapter 723;~~, or~~ to amounts paid to local governmental entities, including special districts; or to amounts paid to private amenity owners as defined in s. 720.408(4), which amounts are governed by and subject to s. 720.412.

Section 16. Part IV of chapter 720, Florida Statutes, consisting of ss. 720.408-720.412, Florida Statutes, is created and entitled "Recreational Covenants."

Section 17. Section 720.408, Florida Statutes, is created to read:

720.408 Definitions.—As used in ss. 720.408-720.412, the term:

(1) "Amenity dues" means amenity expenses and amenity fees, if any, in any combination, charged in accordance with a recreational covenant. Amenity dues may include additional components if such components are specified in the recreational covenant.

(2) "Amenity expenses" means the costs of owning, operating, managing, maintaining, and insuring privately owned recreational amenities made available to parcel owners pursuant to a recreational covenant, whether directly or indirectly. The term includes, but is not limited to, maintenance, cleaning fees, trash collection, utility charges, cable service charges, legal fees, management fees, reserves, repairs, replacements, refurbishments, payroll and payroll costs, insurance, working capital, and ad valorem or other taxes, costs, expenses, levies, and charges of any nature which may be levied or imposed against, or in connection with, the privately owned recreational amenities made available to parcel owners pursuant to a recreational covenant. The term does not include income taxes; the initial cost of construction of a privately owned recreational amenity or any loan costs, loan fees, or debt service of a private amenity owner related thereto; or legal fees incurred by a private amenity owner in a legal action with a homeowners' association in which a final order or judgment holds that the private amenity owner has committed fraud, price gouging, or any other unfair business practice to the detriment of the association and its members.

(3) "Amenity fee" means any amount, other than amenity expenses, due in accordance with a recreational covenant which is levied against parcel owners for recreational memberships or use. An amenity fee may be composed of profit or other components to be paid to a private amenity owner as provided in a recreational covenant.

(4) "Private amenity owner" means the record title owner of a privately owned recreational amenity who is responsible for

operation of the privately owned recreational amenity and is authorized to levy amenity dues pursuant to the recreational covenant. The term does not include a corporation not for profit pursuant to chapter 617 or a local governmental entity, including, but not limited to, a special district created pursuant to chapter 189 or chapter 190.

(5) "Privately owned recreational amenity" means a recreational facility or amenity intended for recreational use or leisure activities owned by a private amenity owner and for which parcel owners' mandatory membership and use rights are established pursuant to a recreational covenant. The term does not include any common area or any property or facility owned by a corporation not for profit pursuant to chapter 617 or a local governmental entity, including, but not limited to, a special district created pursuant to chapter 189 or chapter 190.

(6) "Recreational covenant" means a recorded covenant, separate and distinct from a declaration of covenants, which provides the nature and requirements of a membership in or the use or purchase of privately owned recreational amenities for parcel owners in one or more communities and which:

(a) Is recorded in the public records of the county in which the property encumbered thereby is located;

(b) Contains information regarding the amenity dues that may be imposed on members and other persons permitted to use the privately owned recreational amenity and remedies that the private amenity owner or other third party may have upon nonpayment of such amenity fees; and

(c) Requires mandatory membership or mandatory payment of amenity dues by some or all of the parcel owners in a community.

Section 18. Section 720.409, Florida Statutes, is created to read:

720.409 Recreational covenants.—

(1) LEGISLATIVE FINDINGS.—The Legislature finds that:

(a) Recreational covenants are widely used throughout this state as a mechanism to provide enhanced recreational amenities to communities, but such recreational covenants are largely unregulated.

(b) There exists a need to develop certain protections in favor of parcel owners while encouraging the economic benefit of the development and availability of privately owned recreational amenities and a flexible means for private amenity owners to operate such privately owned recreational amenities pursuant to recreational covenants.

(c) Recreational covenants fulfill a vital role in providing amenities to residential communities throughout this state.

(2) PURPOSE, SCOPE, AND APPLICATION.—

(a) This part is intended to provide certain protections for parcel owners and give statutory recognition to the use of recreational covenants. This part is further intended to respect the contractual relationship and intent of the parties to real property transactions that occurred before July 1, 2025, and such parties' reliance on covenants, conditions, restrictions, or other interests created by those transactions.

(b) Parcels within a community may be subject to a recreational covenant, which recreational covenant and the privately owned recreational amenities governed by such recreational covenant are not governed by this chapter except as

expressly provided in this part.

(c) This part does not apply to recorded covenants, agreements, or other documents which are not recreational covenants.

(d) This part applies to recreational covenants existing before July 1, 2025, and to recreational covenants recorded on or after July 1, 2025, and, except as otherwise expressly set forth in this part, applies retroactively and prospectively to all recreational covenants.

(e) This part does not revive or reinstate any right, claim, or interest that has been fully and finally adjudicated as invalid before July 1, 2025.

Section 19. Section 720.41, Florida Statutes, is created to read:

720.41 Requirements for recreational covenants.—

(1) A recreational covenant recorded on or after July 1, 2025, which creates mandatory membership in a club or imposes mandatory amenity dues on parcel owners must specify all of the following:

(a) The parcels within the community which are or will be subject to mandatory membership in a club or to the imposition of mandatory amenity dues.

(b) The person responsible for owning, maintaining, and operating the privately owned recreational amenity governed by the recreational covenant, which may be the developer.

(c) The manner in which amenity dues are apportioned and collected from each encumbered parcel owner, and the person authorized to collect such dues. The recreational covenant must specify the components of the amenity dues.

(d) The amount of any amenity fee included in the amenity dues. If the amount of such amenity fee is not specified, the recreational covenant must specify the manner in which such fee is calculated.

(e) The manner in which amenity fees may be increased, which increase may occur periodically by a fixed percentage, a fixed dollar amount, or in accordance with increases in the consumer price index.

(f) The collection rights and remedies that are available for enforcing payment of amenity dues.

(g) A statement of whether collection rights to enforce payment of amenity dues are subordinate to an association's right to collect assessments.

(h) A statement of whether the privately owned recreational amenity is open to the public or may be used by persons who are not members or parcel owners within the community.

(2)(a) A recreational covenant recorded before July 1, 2025, must be amended or supplemented to comply with the requirements of paragraphs (1)(a)-(d) by July 1, 2026.

(b) If a recreational covenant recorded before July 1, 2025, does not specify the manner in which amenity fees may be increased as required by paragraph (1)(e), the increase in such amenity fees is limited to a maximum annual increase in an amount equal to the annual increase in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items.

(3) A recreational covenant that does not specify the amount by which amenity expenses may be increased is limited to a maximum annual increase of 25 percent of the amenity expenses from the preceding fiscal year. This limitation does not

prohibit an increase in amenity expenses resulting from a natural disaster, an act of God, an increase in insurance costs, an increase in utility rates, an increase in supply costs, an increase in labor rates, or any other circumstance outside of the reasonable control of the private amenity owner or other person responsible for maintaining or operating the privately owned recreational amenity governed by the recreational covenant.

(4) Beginning July 1, 2025, notwithstanding any provision in a recreational covenant to the contrary, an association may not be required to collect amenity dues on behalf of a private amenity owner. The private amenity owner or its agent is solely responsible for the collection of amenity dues.

(5) The termination of a recreational covenant or the right of a private amenity owner to suspend the right of a parcel owner to use a privately owned recreational amenity may not:

(a) Prohibit an owner or a tenant of a parcel from having vehicular and pedestrian ingress to and egress from the parcel;

(b) Prohibit an owner or a tenant of a parcel from receiving utilities provided to the parcel by virtue of utility facilities or utility easements located within the privately owned recreational amenity; or

(c) Prohibit an owner or a tenant of a parcel from having access to any mail delivery facility serving the parcel which is located within the privately owned recreational amenity.

Section 20. Section 720.411, Florida Statutes, is created to read:

720.411 Disclosure of recreational covenant before sale of residential parcels.—

(1) Beginning October 1, 2025, each contract for the sale of a parcel which is governed by a homeowners' association but is also subject to a recreational covenant must contain in conspicuous type a clause that substantially states:

DISCLOSURE SUMMARY

YOUR LOT, DWELLING, AND/OR PARCEL IS SUBJECT TO A RECREATIONAL COVENANT. AS A PURCHASER OF PROPERTY SUBJECT TO THE RECREATIONAL COVENANT, YOU WILL BE OBLIGATED TO PAY AMENITY DUES TO A PRIVATE AMENITY OWNER.

BUYER ACKNOWLEDGES ALL OF THE FOLLOWING:

(1) THE RECREATIONAL AMENITY GOVERNED BY THE RECREATIONAL COVENANT IS NOT A COMMON AREA OF THE HOMEOWNERS' ASSOCIATION AND IS NOT OWNED OR CONTROLLED BY THE HOMEOWNERS' ASSOCIATION. THE RECREATIONAL COVENANT IS NOT A GOVERNING DOCUMENT OF THE ASSOCIATION.

(2) CHARGES FOR AMENITY DUES WILL BE GOVERNED BY THE RECREATIONAL COVENANT. THE RECREATIONAL COVENANT CONTAINS IMPORTANT PROVISIONS AND RIGHTS AND IS OR WILL BE AVAILABLE IN THE PUBLIC RECORDS OF THE COUNTY.

(3) THE PARTY THAT CONTROLS THE MAINTENANCE AND OPERATION OF THE RECREATIONAL AMENITY DETERMINES THE

BUDGET FOR THE OPERATION AND MAINTENANCE OF SUCH RECREATIONAL AMENITY. HOWEVER, THE PARCEL OWNERS SUBJECT TO THE RECREATIONAL COVENANT ARE STILL RESPONSIBLE FOR AMENITY DUES.

(4) AMENITY DUES MAY BE SUBJECT TO PERIODIC CHANGE. AMENITY DUES ARE IN ADDITION TO, AND SEPARATE AND DISTINCT FROM, ASSESSMENTS LEVIED BY THE HOMEOWNERS' ASSOCIATION.

(5) FAILURE TO PAY AMENITY DUES OR OTHER CHARGES IMPOSED BY A PRIVATE AMENITY OWNER MAY RESULT IN A LIEN ON YOUR PROPERTY.

(6) THIRD PARTIES WHO ARE NOT MEMBERS OF THE HOMEOWNERS' ASSOCIATION MAY HAVE THE RIGHT TO ACCESS AND USE THE RECREATIONAL AMENITY, AS DETERMINED BY THE ENTITY THAT CONTROLS SUCH RECREATIONAL AMENITY.

(7) MANDATORY MEMBERSHIP REQUIREMENTS OR OTHER OBLIGATIONS TO PAY AMENITY DUES CAN BE FOUND IN THE RECREATIONAL COVENANT OR OTHER RECORDED INSTRUMENT.

(8) THE PRIVATE AMENITY OWNER MAY HAVE THE RIGHT TO AMEND THE RECREATIONAL COVENANT WITHOUT THE APPROVAL OF MEMBERS OR PARCEL OWNERS, SUBJECT TO THE TERMS OF THE RECREATIONAL COVENANT AND SECTION 720.41, FLORIDA STATUTES.

(9) THE STATEMENTS CONTAINED IN THIS DISCLOSURE FORM ARE ONLY SUMMARY IN NATURE, AND, AS A PROSPECTIVE PURCHASER, YOU SHOULD REFER TO THE RECREATIONAL COVENANTS BEFORE PURCHASE. THE RECREATIONAL COVENANT IS EITHER A MATTER OF PUBLIC RECORD AND CAN BE OBTAINED FROM THE RECORD OFFICE IN THE COUNTY WHERE THE PROPERTY IS LOCATED OR IS NOT RECORDED AND CAN BE OBTAINED FROM THE DEVELOPER.

(2) The disclosure summary required by this section must be supplied by the developer or, if the sale is by a parcel owner that is not the developer, by the parcel owner. After October 1, 2025, any contract or agreement for sale must refer to and incorporate the disclosure summary and must include, in prominent language, a statement that the potential buyer should not execute the contract or agreement until they have received and read the disclosure summary required by this section.

(3) After October 1, 2025, if the disclosure summary is not provided to a prospective purchaser as required by this section, the purchaser may void the contract by delivering to the seller or the seller's agent or representative written notice canceling the contract within 3 days after receipt of the disclosure summary or before closing, whichever occurs first. This right may not be waived by the purchaser but terminates at closing.

Section 21. Section 720.412, Florida Statutes, is created to read:

720.412 Financial reporting.—After October 1, 2025, in a residential subdivision in which the owners of lots or parcels must pay amenity dues owed to a private amenity owner pursuant

to a recreational covenant, within 60 days after the end of each fiscal year the private amenity owner must make public, and available for inspection upon written request from a parcel owner within the applicable subdivision, a complete financial report of the actual, total receipts of amenity dues received by the private amenity owner, which includes an itemized list of the expenditures made by the private amenity owner with respect to operational costs, expenses, or other cash disbursements and amounts expended with respect to the operation of the privately owned recreational amenities for that year. The party preparing the financial report must have access to the supporting documents and records pertaining to the privately owned recreational amenities and private amenity owner, including the cash disbursements and related paid invoices to determine whether expenditures were for purposes related to owning, operating, managing, maintaining, and insuring privately owned recreational amenities and whether the cash receipts were billed in accordance with the recreational covenant. The financial report must be made public to each lot or parcel owner subject to the payment of such amenity dues by publishing a notice of its availability for inspection in a publication regularly distributed within the subdivision, or by posting such a notice in a prominent location in the subdivision and in prominent locations within the privately owned recreational amenities. This section does not apply to assessments or other amounts paid to an association pursuant to chapter 617, chapter 718, chapter 719, chapter 721, or chapter 723, or to amounts paid to a local governmental entity, including, but not limited to, a special district created pursuant to chapter 189 or chapter 190.

Section 22. This act shall take effect July 1, 2025.