

1 A bill to be entitled
2 An act relating to local government land development
3 regulations and orders; amending ss. 125.022 and
4 166.033, F.S.; revising, for counties and
5 municipalities, respectively, the application
6 procedures for development permits and orders;
7 creating s. 163.3254, F.S.; creating the "Florida
8 Starter Homes Act"; providing a short title; providing
9 legislative findings; defining terms; prohibiting
10 local governments from adopting land development
11 regulations governing lots on residential real
12 property unless such adoption meets specified
13 requirements; providing applicability; providing
14 construction; prohibiting local governments from
15 adopting certain land development regulations if a lot
16 on residential real property is connected to a public
17 water system or a public sewer system; requiring that
18 land development regulations adopted by a local
19 government allow lots to front or abut a shared space
20 instead of a public right-of-way; prohibiting such
21 regulations from requiring a minimum number of parking
22 spaces for specified lots; defining the term "public
23 transit stop"; limiting the criteria that may be
24 required by local governments in applications for the
25 proposed development of lot splits; establishing an

26 application process for such proposed developments;
27 prohibiting land development regulations adopted by
28 local governments governing lot splits on historic
29 property from varying from other specified
30 regulations; providing an exception; establishing a
31 cause of action; authorizing the award of specified
32 remedies; providing for waiver of sovereign immunity;
33 providing construction; amending s. 177.071, F.S.;
34 revising the application procedures for administrative
35 approval of plats or replats; providing an effective
36 date.

37
38 Be It Enacted by the Legislature of the State of Florida:

39
40 **Section 1. Section 125.022, Florida Statutes, is amended**
41 **to read:**

42 125.022 Development permits and orders.—

43 (1) As used in this section, the terms "development
44 permit" and "development order" have the same meanings as in s.
45 163.3164, but do not include building permits.

46 (2)~~(1)~~ A county shall specify in writing the minimum
47 information that must be submitted in an application for a
48 zoning approval, rezoning approval, subdivision approval,
49 certification, special exception, or variance. A county shall
50 make the minimum information available for inspection and

51 copying at the location where the county receives applications
52 for development permits and orders, provide the information to
53 the applicant at a preapplication meeting, or post the
54 information on the county's website.

55 (3) A county shall follow the application procedures
56 established in s. 163.3254(6) upon receiving an application for
57 approval of a development permit or development order.

58 ~~(2) Within 5 business days after receiving an application~~
59 ~~for approval of a development permit or development order, a~~
60 ~~county shall confirm receipt of the application using contact~~
61 ~~information provided by the applicant. Within 30 days after~~
62 ~~receiving an application for approval of a development permit or~~
63 ~~development order, a county must review the application for~~
64 ~~completeness and issue a written notification to the applicant~~
65 ~~indicating that all required information is submitted or specify~~
66 ~~in writing with particularity any areas that are deficient. If~~
67 ~~the application is deficient, the applicant has 30 days to~~
68 ~~address the deficiencies by submitting the required additional~~
69 ~~information. For applications that do not require final action~~
70 ~~through a quasi-judicial hearing or a public hearing, the county~~
71 ~~must approve, approve with conditions, or deny the application~~
72 ~~for a development permit or development order within 120 days~~
73 ~~after the county has deemed the application complete. For~~
74 ~~applications that require final action through a quasi-judicial~~
75 ~~hearing or a public hearing, the county must approve, approve~~

76 ~~with conditions, or deny the application for a development~~
77 ~~permit or development order within 180 days after the county has~~
78 ~~deemed the application complete. Both parties may agree in~~
79 ~~writing or in a public meeting or hearing to an extension of~~
80 ~~time, particularly in the event of a force majeure or other~~
81 ~~extraordinary circumstance. An approval, approval with~~
82 ~~conditions, or denial of the application for a development~~
83 ~~permit or development order must include written findings~~
84 ~~supporting the county's decision. The timeframes contained in~~
85 ~~this subsection do not apply in an area of critical state~~
86 ~~concern, as designated in s. 380.0552. The timeframes contained~~
87 ~~in this subsection restart if an applicant makes a substantive~~
88 ~~change to the application. As used in this subsection, the term~~
89 ~~"substantive change" means an applicant-initiated change of 15~~
90 ~~percent or more in the proposed density, intensity, or square~~
91 ~~footage of a parcel.~~

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

97 ~~(b) If a county makes a request for additional information~~
98 ~~and the applicant submits the required additional information~~
99 ~~within 30 days after receiving the request, the county must~~
100 ~~review the application for completeness and issue a letter~~

101 ~~indicating that all required information has been submitted or~~
102 ~~specify with particularity any areas that are deficient within~~
103 ~~30 days after receiving the additional information.~~

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

112 ~~(d) Before a third request for additional information, the~~
113 ~~applicant must be offered a meeting to attempt to resolve~~
114 ~~outstanding issues. If a county makes a third request for~~
115 ~~additional information and the applicant submits the required~~
116 ~~additional information within 30 days after receiving the~~
117 ~~request, the county must deem the application complete within 10~~
118 ~~days after receiving the additional information or proceed to~~
119 ~~process the application for approval or denial unless the~~
120 ~~applicant waived the county's limitation in writing as described~~
121 ~~in paragraph (a).~~

122 ~~(e) Except as provided in subsection (7), if the applicant~~
123 ~~believes the request for additional information is not~~
124 ~~authorized by ordinance, rule, statute, or other legal~~
125 ~~authority, the county, at the applicant's request, shall proceed~~

126 ~~to process the application for approval or denial.~~

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

128 ~~(a) Ten percent of the application fee if the county fails~~
129 ~~to issue written notification of completeness or written~~
130 ~~specification of areas of deficiency within 30 days after~~
131 ~~receiving the application.~~

132 ~~(b) Ten percent of the application fee if the county fails~~
133 ~~to issue a written notification of completeness or written~~
134 ~~specification of areas of deficiency within 30 days after~~
135 ~~receiving the additional information pursuant to paragraph~~
136 ~~(3)(b).~~

137 ~~(c) Twenty percent of the application fee if the county~~
138 ~~fails to issue a written notification of completeness or written~~
139 ~~specification of areas of deficiency within 10 days after~~
140 ~~receiving the additional information pursuant to paragraph~~
141 ~~(3)(c).~~

142 ~~(d) Fifty percent of the application fee if the county~~
143 ~~fails to approve, approves with conditions, or denies the~~
144 ~~application within 30 days after conclusion of the 120-day or~~
145 ~~180-day timeframe specified in subsection (2).~~

146 ~~(e) One hundred percent of the application fee if the~~
147 ~~county fails to approve, approves with conditions, or denies an~~
148 ~~application 31 days or more after conclusion of the 120-day or~~
149 ~~180-day timeframe specified in subsection (2).~~

150 ~~A county is not required to issue a refund if the applicant and~~

151 ~~the county agree to an extension of time, the delay is caused by~~
152 ~~the applicant, or the delay is attributable to a force majeure~~
153 ~~or other extraordinary circumstance.~~

154 (4)~~(5)~~ When a county denies an application for a
155 development permit or development order, the county shall give
156 written notice to the applicant. The notice must include a
157 citation to the applicable portions of an ordinance, rule,
158 statute, or other legal authority for the denial of the permit
159 or order.

160 ~~(6) As used in this section, the terms "development~~
161 ~~permit" and "development order" have the same meaning as in s.~~
162 ~~163.3164, but do not include building permits.~~

163 (5)~~(7)~~ For any development permit application filed with
164 the county after July 1, 2012, a county may not require as a
165 condition of processing or issuing a development permit or
166 development order that an applicant obtain a permit or approval
167 from any state or federal agency unless the agency has issued a
168 final agency action that denies the federal or state permit
169 before the county action on the local development permit.

170 (6)~~(8)~~ Issuance of a development permit or development
171 order by a county does not in any way create any rights on the
172 part of the applicant to obtain a permit from a state or federal
173 agency and does not create any liability on the part of the
174 county for issuance of the permit if the applicant fails to
175 obtain requisite approvals or fulfill the obligations imposed by

176 a state or federal agency or undertakes actions that result in a
177 violation of state or federal law. A county shall attach such a
178 disclaimer to the issuance of a development permit and shall
179 include a permit condition that all other applicable state or
180 federal permits be obtained before commencement of the
181 development.

182 (7)~~(9)~~ This section does not prohibit a county from
183 providing information to an applicant regarding what other state
184 or federal permits may apply.

185 **Section 2. Section 166.033, Florida Statutes, is amended**
186 **to read:**

187 166.033 Development permits and orders.—

188 (1) As used in this section, the terms "development
189 permit" and "development order" have the same meanings as in s.
190 163.3164, but do not include building permits.

191 (2)~~(4)~~ A municipality shall specify in writing the minimum
192 information that must be submitted for an application for a
193 zoning approval, rezoning approval, subdivision approval,
194 certification, special exception, or variance. A municipality
195 shall make the minimum information available for inspection and
196 copying at the location where the municipality receives
197 applications for development permits and orders, provide the
198 information to the applicant at a preapplication meeting, or
199 post the information on the municipality's website.

200 (3) A municipality shall follow the application procedures

201 established in s. 163.3254(6) upon receiving an application for
202 approval of a development permit or development order.

203 ~~(2) Within 5 business days after receiving an application~~
204 ~~for approval of a development permit or development order, a~~
205 ~~municipality shall confirm receipt of the application using~~
206 ~~contact information provided by the applicant. Within 30 days~~
207 ~~after receiving an application for approval of a development~~
208 ~~permit or development order, a municipality must review the~~
209 ~~application for completeness and issue a written notification to~~
210 ~~the applicant indicating that all required information is~~
211 ~~submitted or specify in writing with particularity any areas~~
212 ~~that are deficient. If the application is deficient, the~~
213 ~~applicant has 30 days to address the deficiencies by submitting~~
214 ~~the required additional information. For applications that do~~
215 ~~not require final action through a quasi-judicial hearing or a~~
216 ~~public hearing, the municipality must approve, approve with~~
217 ~~conditions, or deny the application for a development permit or~~
218 ~~development order within 120 days after the municipality has~~
219 ~~deemed the application complete. For applications that require~~
220 ~~final action through a quasi-judicial hearing or a public~~
221 ~~hearing, the municipality must approve, approve with conditions,~~
222 ~~or deny the application for a development permit or development~~
223 ~~order within 180 days after the municipality has deemed the~~
224 ~~application complete. Both parties may agree in writing or in a~~
225 ~~public meeting or hearing to an extension of time, particularly~~

226 ~~in the event of a force majeure or other extraordinary~~
227 ~~circumstance. An approval, approval with conditions, or denial~~
228 ~~of the application for a development permit or development order~~
229 ~~must include written findings supporting the municipality's~~
230 ~~decision. The timeframes contained in this subsection do not~~
231 ~~apply in an area of critical state concern, as designated in s.~~
232 ~~380.0552 or chapter 28-36, Florida Administrative Code. The~~
233 ~~timeframes contained in this subsection restart if an applicant~~
234 ~~makes a substantive change to the application. As used in this~~
235 ~~subsection, the term "substantive change" means an applicant-~~
236 ~~initiated change of 15 percent or more in the proposed density,~~
237 ~~intensity, or square footage of a parcel.~~

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

243 ~~(b) If a municipality makes a request for additional~~
244 ~~information and the applicant submits the required additional~~
245 ~~information within 30 days after receiving the request, the~~
246 ~~municipality must review the application for completeness and~~
247 ~~issue a letter indicating that all required information has been~~
248 ~~submitted or specify with particularity any areas that are~~
249 ~~deficient within 30 days after receiving the additional~~
250 ~~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 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), 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:~~

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

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

285 ~~(c) Twenty percent of the application fee if the~~
286 ~~municipality fails to issue written notification of completeness~~
287 ~~or written specification of areas of deficiency within 10 days~~
288 ~~after receiving the additional information pursuant to paragraph~~
289 ~~(3)(c).~~

290 ~~(d) Fifty percent of the application fee if the~~
291 ~~municipality fails to approve, approves with conditions, or~~
292 ~~denies the application within 30 days after conclusion of the~~
293 ~~120-day or 180-day timeframe specified in subsection (2).~~

294 ~~(e) One hundred percent of the application fee if the~~
295 ~~municipality fails to approve, approves with conditions, or~~
296 ~~denies an application 31 days or more after conclusion of the~~
297 ~~120-day or 180-day timeframe specified in subsection (2).~~

298
299 ~~A municipality is not required to issue a refund if the~~
300 ~~applicant and the municipality agree to an extension of time,~~

301 ~~the delay is caused by the applicant, or the delay is~~
302 ~~attributable to a force majeure or other extraordinary~~
303 ~~circumstance.~~

304 (4)~~(5)~~ When a municipality denies an application for a
305 development permit or development order, the municipality shall
306 give written notice to the applicant. The notice must include a
307 citation to the applicable portions of an ordinance, rule,
308 statute, or other legal authority for the denial of the permit
309 or order.

310 ~~(6) As used in this section, the terms "development~~
311 ~~permit" and "development order" have the same meaning as in s.~~
312 ~~163.3164, but do not include building permits.~~

313 (5)~~(7)~~ For any development permit application filed with
314 the municipality after July 1, 2012, a municipality may not
315 require as a condition of processing or issuing a development
316 permit or development order that an applicant obtain a permit or
317 approval from any state or federal agency unless the agency has
318 issued a final agency action that denies the federal or state
319 permit before the municipal action on the local development
320 permit.

321 (6)~~(8)~~ Issuance of a development permit or development
322 order by a municipality does not create any right on the part of
323 an applicant to obtain a permit from a state or federal agency
324 and does not create any liability on the part of the
325 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.

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

Section 3. Section 163.3254, Florida Statutes, is created to read:

163.3254 Florida Starter Homes Act.—The Florida Starter Homes Act is created to address the rising price of homes in this state and increase the supply of housing for the residents of this state.

(1) This section may be cited as the "Florida Starter Homes Act."

(2) The Legislature finds that:

(a) The median price of homes in this state has increased steadily over the last decade, rising at a greater rate of increase than the median income in this state.

(b) The cost of home ownership and renting or leasing often exceeds an amount that is affordable for residents of this state.

351 (c) There is currently a housing shortage that constitutes
352 a threat to the health, safety, and welfare of the residents of
353 this state, and this shortage is caused in part by land
354 development regulations adopted by local governments without a
355 compelling governmental interest relating to lots on residential
356 real property, which substantially burden the basic right under
357 the State Constitution to acquire, possess, and protect
358 property.

359 (d) Land development regulations adopted relating to lots
360 on residential real property do not encourage a high degree of
361 flexibility relating to residential development, and such
362 regulations prevent the development of single-family homes on
363 lots smaller in size, due, in part, to minimum lot size
364 requirements and restrictions on the types of dwellings allowed
365 to be constructed on such property.

366 (e) The public purpose sought to be achieved by allowing
367 other types of dwelling units on lots smaller in size on
368 residential real property is to increase the supply of housing,
369 making homeownership and renting more affordable for the
370 residents of this state.

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

372 (a) "Compelling governmental interest" means a
373 governmental interest of the highest order which cannot be
374 achieved through less restrictive means. A compelling
375 governmental interest must have a real and substantial

376 connection to protecting public safety, health, or reasonable
377 enjoyments and expectations of property, such as requiring the
378 structural integrity, safe plumbing, or safe electricity of
379 buildings, or preventing nuisances.

380 (b) "Land development regulations" has the same meaning as
381 in s. 163.3164.

382 (c) "Local government" means any county, municipality, or
383 special district.

384 (d) "Lot split" means the division of a parent parcel into
385 no more than eight lots.

386 (e) "Parent parcel" means the original parcel from which
387 subsequent lots are created.

388 (f) "Residential dwelling unit" means a structure or part
389 of a structure used as a home, residence, or sleeping place by
390 at least one person. The term includes a single-family home, a
391 townhouse as defined in s. 481.203, and a duplex, triplex, or
392 quadruplex, and their curtilage.

393 (g) "Shared space" means a driveway, an alley, or a common
394 open space, such as a courtyard or pocket park.

395 (h) "Subdivision" means the division of a parent parcel
396 into nine or more lots. The term includes streets, alleys,
397 additions, and resubdivisions.

398 (4) (a) 1. A local government may not adopt land development
399 regulations that govern lots on residential real property,
400 unless such adoption:

401 a. Is in furtherance of a compelling governmental
402 interest.

403 b. Is the least restrictive means of furthering that
404 compelling governmental interest.

405 2. Subparagraph 1. does not apply to land development
406 regulations that:

407 a. Prevent or abate a nuisance.

408 b. Enforce the terms of a license, a permit, or an
409 authorization.

410 c. Enforce any requirement imposed by federal law.

411 d. Is the result of a final, nonappealable judicial
412 determination.

413 3. Any ambiguity in the adoption of land development
414 regulations by a local government must be construed in favor of
415 the basic right to acquire and possess land.

416 (b) If a lot on residential real property is connected to
417 a public water system or a public sewer system, or will be
418 connected to such a system as part of a subdivision plan, a
419 local government may not adopt land development regulations
420 that:

421 1. Require a minimum lot size that is greater than 1,200
422 square feet for an existing lot and for lots created by a lot
423 split or subdivision.

424 2. Contain a provision defining a residential dwelling
425 unit that is contrary to the definition in subsection (3).

426 3. Prohibit, limit, or otherwise restrict the development
427 of residential dwelling units.

428 4. Require a minimum setback that is greater than: 0 feet
429 from the sides; 10 feet from the rear; or 20 feet from the
430 front, or 0 feet from the front if the lot fronts or abuts a
431 shared space.

432 5. Require a minimum dimension of a lot, including its
433 width or depth, to exceed 20 feet if the lot meets the relevant
434 minimum lot size requirement.

435 6. Require more than 30 percent of lot area to be reserved
436 for open space or permeable surface.

437 7. Require a maximum building height of less than three
438 stories or 35 feet above grade or, if applicable, three stories
439 or 35 feet above the base flood elevation established by the
440 Federal Emergency Management Agency.

441 8. Require a maximum floor area ratio of less than 3.

442 9. Require the property owner to occupy the property.

443 10. Require a minimum size for a residential dwelling unit
444 that is greater than the minimum size imposed by the Florida
445 Building Code.

446 11. Require a maximum residential density, typically
447 measured in dwelling units per acre, which is more restrictive
448 than the requirements of this subsection.

449 (5)(a)1. Land development regulations adopted by a local
450 government must allow a lot to front or abut a shared space

451 instead of a public right-of-way. However, such regulations may
452 not be adopted to require a minimum number of parking spaces
453 greater than one per residential dwelling unit for lots that are
454 4,000 square feet or less, or any minimum number of parking
455 spaces for lots within a one-half mile radius of a permanent
456 public transit stop that is open for public use on or after July
457 1, 2026.

458 2. As used in subparagraph 1., the term "public transit
459 stop" means a stop or station used for public purposes for
460 transit services, including bus rapid transit services or
461 commuter rail services, an intercity rail transportation system,
462 or a rail system, as defined in s. 341.301. The term does not
463 include people-mover systems in a public-use airport as defined
464 by s. 332.004.

465 (b) Land development regulations adopted by a local
466 government which establish criteria for the application for, or
467 approval of, the proposed development of a lot split are limited
468 to the following:

469 1. The requirement that an applicant provide the relevant
470 documentation and pay a fee for the cost of review of such
471 documentation. Any other fee imposed on the application for, or
472 approval of, a lot split is prohibited.

473 2. Required compliance with the local government's land
474 development regulations that govern lots not created by a lot
475 split.

476 3. The requirement that the parent parcel was not created
477 by a lot split or subdivision during the previous 12 months.

478 (6) (a) Upon receipt of a development application, a local
479 government shall confirm receipt of the application by the next
480 business day using the contact information provided by the
481 applicant. Within 7 business days after receiving an
482 application, a local government shall review the application for
483 completeness and issue a written notification to the applicant
484 indicating that all required information is submitted or specify
485 in writing with particularity any areas that are deficient. If
486 the application is deficient, the applicant has 60 business days
487 to address the deficiencies by submitting the required
488 additional information. Within 7 business days after receipt of
489 such information, a local government shall issue a written
490 notification to the applicant indicating that all required
491 information is submitted or specify in writing with
492 particularity any areas that are deficient. A local government
493 shall administratively approve an application within 20 business
494 days after the local government has deemed the application
495 complete and no further action or approval by the local
496 government is required. Any denial of the application must
497 include written findings supporting the local government's
498 decision. At any point during the timeframes specified in this
499 subsection, an applicant may request, and a local government
500 must grant, an extension of time for up to 60 business days.

501 However, a local government may not request an extension of time
502 or require an applicant to request an extension of time.

503 (b) If a local government fails to:

504 1. Issue a written notification of completeness or written
505 specification of areas of deficiency within the first 7-
506 business-day time period provided in paragraph (a);

507 2. Issue a written notification of completeness or written
508 specification of areas of deficiency within the second 7-
509 business-day time period provided in paragraph (a); or

510 3. Approve an application within the 20-business-day time
511 period contained in paragraph (a),

512
513 the application is deemed approved, and the local government
514 must issue written notification of approval by the next business
515 day.

516 (c) A local government must issue a refund to an applicant
517 equal to 100 percent of the application fee if the local
518 government fails to issue written notification of completeness
519 or written specification of areas of deficiency within 7
520 business days after receiving the additional information
521 pursuant to paragraph (a).

522 (7)(a) Land development regulations adopted by a local
523 government which govern lot splits on historic property as
524 defined in s. 267.021 may not vary from land development
525 regulations adopted governing historic property without such lot

526 splits.

527 (b) Paragraph (a) does not apply to land development
528 regulations adopted to prohibit the demolition or alteration of
529 a structure or building that is individually listed in the
530 National Register of Historic Places, or that is a contributing
531 structure or building within a historic district which was
532 listed in the National Register of Historic Places before
533 January 1, 2000.

534 (8) (a) A real property owner or housing association
535 subject to land development regulations adopted by a local
536 government in violation of this section may maintain a cause of
537 action for damages in the county in which the property is
538 located.

539 (b)1. In a proceeding under this subsection, an aggrieved
540 or adversely affected party is entitled to the summary procedure
541 provided in s. 51.011, and the court shall advance the cause on
542 the calendar. The court shall review the evidence de novo and
543 enter written findings of fact based on the preponderance of the
544 evidence that a local government has adopted a land development
545 regulation in violation of this section.

546 2. An aggrieved or adversely affected party shall prevail
547 in an action filed under this subsection unless the local
548 government demonstrates to the court by clear and convincing
549 evidence that the land development regulation is:

550 a. In furtherance of a compelling governmental interest.

551 b. The least restrictive means of furthering the
552 compelling governmental interest.

553 (c) The court may:

554 1. Enter a declaratory judgment as is provided by chapter
555 86.

556 2. Issue a writ of mandamus.

557 3. Issue an injunction to prevent a violation of this
558 section.

559 4. Remand the matter to the land development regulation
560 commission for action consistent with the judgment.

561
562 The prevailing plaintiff is entitled to recover reasonable
563 attorney fees and costs, including reasonable appellate attorney
564 fees and costs.

565 (9) This section waives sovereign immunity for any local
566 government to the extent liability is created in this section.

567 (10) This section does not prohibit:

568 (a) The governing documents of a condominium association,
569 a homeowners' association, or a cooperative adopted or approved
570 before July 1, 2026.

571 (b) Any deed restrictions established before July 1, 2026.

572
573 However, if recorded in the official records on or after July 1,
574 2026, any such documents or restrictions are void and
575 unenforceable to the extent that they conflict with this

576 section.

577 **Section 4. Subsection (3) of section 177.071, Florida**
578 **Statutes, is amended to read:**

579 177.071 Administrative approval of plats or replats by
580 designated county or municipal official.—

581 (3) The governing body of a county or municipality shall
582 follow the application procedures established in s. 163.3254(6)
583 upon receiving a plat or replat under this part ~~Unless the~~
584 ~~applicant requests an extension of time, the administrative~~
585 ~~authority shall approve, approve with conditions, or deny the~~
586 ~~plat or replat submittal within the timeframe identified in the~~
587 ~~written notice provided to the applicant under subsection (2).~~
588 ~~If the administrative authority does not approve the plat or~~
589 ~~replat, it must notify the applicant in writing of the reasons~~
590 ~~for declining to approve the submittal. The written notice must~~
591 ~~identify all areas of noncompliance and include specific~~
592 ~~citations to each requirement the plat or replat submittal fails~~
593 ~~to meet. The administrative authority, or an official, an~~
594 ~~employee, an agent, or a designee of the governing body, may not~~
595 ~~request or require the applicant to file a written extension of~~
596 ~~time.~~

597 **Section 5. This act shall take effect July 1, 2026.**