

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: CS/SB 208

INTRODUCER: Judiciary Committee and Senator McClain

SUBJECT: Land Use and Development Regulations

DATE: January 13, 2026 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hackett</u>	<u>Fleming</u>	<u>CA</u>	Favorable
2.	<u>Collazo</u>	<u>Cibula</u>	<u>JU</u>	Fav/CS
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 208 facilitates residential development by making the development permit and development order application process less costly. The bill also makes it harder for local governments to deny applications due to a lack of compatibility by requiring them to issue specific and objective reasons for such denials.

Specifically, the bill:

- Requires local governments to charge development permit and development order application fees that reasonably relate to the costs associated with the review, processing, and final disposition of applications.
- Requires local government comprehensive plans and land development regulations to include factors for assessing the compatibility of allowable residential uses within a residential zoning district and future land use category.
- Requires land development regulations to incorporate objective design standards or other measures for mitigating or minimizing potential incompatibility.
- Requires local government staff to identify specific areas of incompatibility, and authorizes staff to recommend mitigation measures to applicants, before recommending denial of rezoning, subdivision, or site plan approval applications on compatibility grounds.
- Prohibits local governments from denying an application on compatibility grounds unless the denial includes written findings identifying areas of incompatibility and concluding that proposed mitigation measures are inadequate and no feasible mitigation measures exist.

- Renders the bill’s provisions inapplicable to compatibility between uses in different future land use categories, applications for development within planned unit developments or master planned communities, and applications for development within historic districts designated before January 1, 2026.

The bill takes effect January 1, 2027.

II. Present Situation:

Comprehensive Plans

The Community Planning Act directs counties and municipalities to plan for future development by adopting comprehensive plans.¹ Each local government must maintain a comprehensive plan to guide future development.²

All development, both public and private, and all development orders approved by local governments must be consistent with the local government’s comprehensive plan.³ A comprehensive plan is intended to provide for the future use of land, which contemplates gradual and ordered growth, and establishes a long-range maximum limit on the possible intensity of land use.

Comprehensive plans lay out the locations for future public facilities, including roads, water and sewer facilities, neighborhoods, parks, schools, and commercial and industrial developments. They are made up of 10 required elements, each laying out regulations for different facets of development.⁴

The 10 required elements consider and address capital improvements; future land uses; transportation; general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge; conservation; recreation and open space; housing; coastal management; intergovernmental coordination; and property rights. Other plans and programs may be added as optional elements to a comprehensive plan.⁵

The Future Land Use Element

Comprehensive plans must include an element regarding future land use that designates the proposed future general distribution, location, and extent of the uses of land for a number of uses and categories of public and private uses of land.⁶ Each future land use category must be defined in terms of uses included, and must include standards to be followed in the control and distribution of population densities and building and structure intensities.⁷ The proposed

¹ Section 163.3167(1), F.S.

² Section 163.3167(2), F.S.

³ Section 163.3194(3), F.S.

⁴ Section 163.3177(3) and (6), F.S.

⁵ *Id.*

⁶ Section 163.3177(6)(a), F.S. Applicable uses and categories of public and private uses of land include, but are not limited to, residential, commercial, industrial, agricultural, recreational, conservation, educational, and public facilities. Section 163.3177(6)(a)10., F.S.

⁷ Section 163.3177(6)(a)1., F.S.

distribution, location, and extent of the various categories of land use must be shown on a land use map or map series. Future land use plans and plan amendments are based on surveys, studies, and data regarding the area.⁸

A comprehensive plan's future land use element establishes a range of allowable uses and densities and intensities over large areas, and the specific use and intensities for specific parcels within that range are decided by a more detailed, implementing zoning map.⁹

Compatibility

The future land use element must consider what uses are compatible with one another to guide rezoning requests, development orders, and plan amendments.¹⁰ 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.”¹¹ In other words, the compatibility requirement permits local governments to consider whether a proposed use can peacefully coexist with existing uses.

Local governments, through the future land use plan, are responsible for ensuring compatibility of uses on adjacent lands, and particularly those lands in proximity to military installations and airports.¹² To act on this requirement, land use regulations are required to contain specific and detailed provisions necessary to ensure the compatibility of adjacent land uses.¹³ In practice, these regulations take the form of zoning codes with compatibility standards for height, density, setbacks, parking, and other general regulations on what types of developments can coexist.¹⁴

Land Development Regulations

Comprehensive plans are implemented via land development regulations. Land development regulations are ordinances enacted by governing bodies for the regulation of any aspect of development and include any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land.¹⁵

Each county and municipality must adopt and enforce land development regulations that are consistent with and implement their adopted comprehensive plan.¹⁶ Local governments are encouraged to use innovative land development regulations¹⁷ and may adopt measures for the purpose of increasing affordable housing using land use mechanisms.¹⁸ Land development

⁸ Section 163.3177(6)(a)2., F.S.

⁹ Richard Grosso, *A Guide to Development Order "Consistency" Challenges Under Florida Statutes Section 163.3215*, 34 J. ENVTL. L. & LITIG. 129, 154 (2019) (citing *Brevard Cty. v. Snyder*, 627 So. 2d 469, 475 (Fla. 1993)).

¹⁰ Section 163.3194(3), F.S.

¹¹ Section 163.3164(9), F.S.

¹² Section 163.3177(6)(a)2., F.S.

¹³ Section 163.3202(2)(b), F.S.

¹⁴ *See, e.g.*, s. 5.10 (Residential Compatibility Standards), Land Development Code of Maitland, Florida.

¹⁵ Section 163.3164(26), F.S.

¹⁶ Section 163.3202(1), F.S.

¹⁷ Section 163.3202(3), F.S.

¹⁸ Sections 125.01055 and 166.04151, F.S.

regulations relating to all public and private development, including special district projects, must be consistent with the local comprehensive plan.¹⁹

III. Effect of Proposed Changes:

The bill facilitates residential development by making the development permit and development order application process less costly. It also makes it harder for local governments to deny applications due to a lack of compatibility by requiring them to issue specific and objective reasons for such denials.

Development Permit and Development Order Application Fees

In **Sections 1 and 2**, the bill amends two statutes regulating how local governments review development permit and development order applications²⁰ to also address application fees.

Specifically, the bill requires the amount of any application fee associated with a development permit or development order to reasonably relate to the direct and reasonable indirect costs associated with the review, processing, and final disposition of the development permit or development order application. The fee must be published on the local government's fee schedule and may not be based on a percentage of construction costs, site costs, or project valuation.

Compatibility

Section 3 of the bill amends a statute addressing the legal status of the comprehensive plan²¹ to incorporate several compatibility-related requirements.

The bill requires local government comprehensive plans and land development regulations to include factors for assessing the compatibility of allowable residential uses within a residential zoning district and future land use category. Such factors may include:

- Intensity.
- Density.
- Scale.
- Building size.
- Mass.
- Bulk.
- Height and orientation.
- Lot coverage.
- Lot size and configuration.
- Architectural style.
- Permeability.
- Screening.
- Buffers.

¹⁹ See ss. 163.3161(6) and 163.3194(1)(a), F.S.

²⁰ Sections 125.022 and 166.033, F.S.

²¹ Section 163.3194, F.S.

- Setbacks.
- Stepbacks.
- Transitional areas.
- Signage.
- Traffic and pedestrian circulation and access.
- Operational impacts such as noise, odor, and lighting.

The bill also requires land development regulations to incorporate objective design standards or other measures for mitigating or minimizing potential incompatibility.

With respect to how compatibility is considered during the rezoning, subdivision, or site plan approval review process, the bill provides as follows:

- Before recommending denial of an application on compatibility grounds, local government staff must identify with specificity each area of incompatibility; staff may also recommend mitigation measures to the applicant.
- If the applicant has proposed mitigation measures, the local government may not deny an application on compatibility grounds unless the denial includes written findings stating that the proposed mitigation measures are inadequate and that no feasible mitigation measures exist.
- A denial of an application on compatibility grounds must specify with particularity the area or areas of incompatibility, including applicable standards and an explanation of any mitigation measures considered and declined by the applicant, or the basis for determining that no feasible mitigation measures exist; references to “community character” or “neighborhood feel” are not sufficient in and of themselves to support a denial of an application on compatibility grounds.
- A local government’s approval of an application may include requirements or conditions to mitigate or minimize compatibility concerns.

The compatibility requirements in the bill do not apply to:

- Compatibility between uses in different future land use categories, including rural, agricultural, conservation, open space, mixed-use, industrial, or commercial use.
- Applications for development within planned unit developments or master planned communities.
- Applications for development within historic districts designated before January 1, 2026.

Additionally, the bill does not require approval of an application that is otherwise inconsistent with the applicable local government comprehensive plan or land development regulations.

Effective Date

Section 4 of the bill provides an effective date of January 1, 2027.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The bill requires the amount of any application fee associated with a development permit or development order to reasonably relate to the direct and reasonable indirect costs associated with the review, processing, and final disposition of the application, and to be published on the local government's fee schedule. The fee may not be based on a percentage of construction costs, site costs, or project valuation.

Based upon this change, it appears the bill will result in a positive fiscal impact to private sector applicants because they are likely to pay less in fees and charges to local governments, although the extent of this impact is unclear.

C. Government Sector Impact:

The bill requires the amount of any application fee associated with a development permit or development order to reasonably relate to the direct and reasonable indirect costs associated with the review, processing, and final disposition of the application, and to be published on the local government's fee schedule. The fee may not be based on a percentage of construction costs, site costs, or project valuation.

Based upon this change, it appears the bill will result in a negative fiscal impact to local governments because they will likely collect less in fees and charges from private sector applicants, although the extent of this impact is unclear. The bill will reduce revenues to local governments to the extent that they charge more than their actual costs for services.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 125.022, 166.033, and 163.3194.

IX. Additional Information:

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

CS by Judiciary on January 12, 2026:

The committee substitute replaces the original bill with one that facilitates residential development by making the development permit and development order application process less costly. The bill also makes it harder for local governments to deny applications due to a lack of compatibility by requiring them to issue specific and objective reasons for such denials.

- B. **Amendments:**

None.