By the Committee on Judiciary; and Senator McClain

590-01894-26 2026208c1

A bill to be entitled

An act relating to land use and development regulations; amending ss. 125.022 and 166.033, F.S.; requiring that the amount of certain application fees reasonably relate to certain costs; requiring that such fees be published on the county's or municipality's fee schedule, respectively; requiring that such fees not be based on certain costs or valuations; amending s. 163.3194, F.S.; requiring that local government comprehensive plans and land development regulations include factors for assessing the compatibility of certain residential uses; requiring that land development regulations incorporate certain objective standards or other measures for mitigating or minimizing potential incompatibility; requiring local government staff to meet certain requirements before recommending denial of certain applications on compatibility grounds; prohibiting a local government from denying certain applications on compatibility grounds if the applicant has proposed certain measures; providing an exception; requiring that the denial of an application specify certain information; providing that a local government's approval of an application may include certain requirements or conditions; providing applicability; providing construction; providing an effective date.

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

Section 1. Present subsection (9) of section 125.022, Florida Statutes, is redesignated as subsection (10), and a new subsection (9) is added to that section, to read:

125.022 Development permits and orders.—

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

Section 2. Present subsection (9) of section 166.033, Florida Statutes, is redesignated as subsection (10), and a new subsection (9) is added to that section, to read:

166.033 Development permits and orders.—

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

Section 3. Subsection (7) is added to section 163.3194, Florida Statutes, to read:

163.3194 Legal status of comprehensive plan.—

(7)(a) Local government comprehensive plans and land development regulations must 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, setbacks, stepbacks, transitional areas, signage, traffic and pedestrian circulation and access, and operational impacts, such as noise, odor, and lighting.

(b) Land development regulations must incorporate objective design standards or other measures for mitigating or minimizing potential incompatibility.

(c)1. Before recommending denial of an application for rezoning, subdivision, or site plan approval on compatibility grounds, local government staff must identify with specificity each area of incompatibility and may recommend mitigation measures to the applicant.

2. 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.

3. 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.

4. A local government's approval of an application may

include requirements or conditions to mitigate or minimize compatibility concerns.

(d) This subsection does not apply to any of the following:

1. Compatibility between uses in different future land use categories, including rural, agricultural, conservation, open space, mixed-use, industrial, or commercial use.

2. Applications for development within planned unit developments or master planned communities.

3. Applications for development within historic districts designated before January 1, 2026.

(e) This section does not require approval of an application that is otherwise inconsistent with the applicable local government comprehensive plan or land development regulations.

Section 4. This act shall take effect January 1, 2027.