

By the Committees on Rules; and Judiciary; and Senator McClain

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1 A bill to be entitled
2 An act relating to land use and development
3 regulations; amending ss. 125.022 and 166.033, F.S.;
4 requiring that the amount of certain application fees
5 reasonably relate to certain costs; requiring that
6 such fees be published on the county's or
7 municipality's fee schedule, respectively; requiring
8 that such fees not be based on certain costs or
9 valuations; amending s. 163.31777, F.S.; requiring
10 that certain interlocal agreements between school
11 boards and local governments address reasonable access
12 to certain public easements and public rights-of-way;
13 amending s. 163.3194, F.S.; requiring that local
14 government comprehensive plans and land development
15 regulations include factors for assessing the
16 compatibility of certain residential uses; requiring
17 that land development regulations incorporate certain
18 objective design standards or other measures for
19 mitigating or minimizing potential incompatibility;
20 requiring local government staff to meet certain
21 requirements before recommending denial of certain
22 applications on compatibility grounds; prohibiting a
23 local government from denying certain applications on
24 compatibility grounds if the applicant has proposed
25 certain measures; providing an exception; requiring
26 that the denial of an application specify certain
27 information; providing that a local government's
28 approval of an application may include certain
29 requirements or conditions; providing applicability;

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30 amending s. 553.382, F.S.; authorizing the placement
31 of certain residential manufactured buildings on any
32 lot in a recreational vehicle park; creating s.
33 553.385, F.S.; defining the terms "local government"
34 and "offsite constructed residential dwelling";
35 requiring that an offsite constructed residential
36 dwelling be permitted as of right in certain zoning
37 districts; prohibiting a local government from
38 adopting or enforcing certain regulations; providing
39 construction; authorizing a local government to adopt
40 compatibility standards that are limited to certain
41 architectural features; prohibiting a local government
42 from treating offsite constructed residential
43 dwellings differently than factory-built buildings
44 based on certain circumstances; prohibiting a local
45 government from adopting or enforcing certain zoning,
46 land use, or development ordinances and regulations;
47 prohibiting local government ordinances and
48 regulations from having certain effects; providing
49 that certain local government ordinances and
50 regulations are void and unenforceable to a specified
51 extent; requiring the Office of Program Policy
52 Analysis and Government Accountability (OPPAGA) to
53 conduct a study to identify the effects of removing
54 certain boundaries; providing requirements for the
55 study; requiring OPPAGA to submit the results of the
56 study to the Legislature by a specified date;
57 providing an effective date.
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59 Be It Enacted by the Legislature of the State of Florida:

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

64 125.022 Development permits and orders.—

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

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

75 166.033 Development permits and orders.—

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

83 Section 3. Paragraph (j) is added to subsection (2) of
84 section 163.31777, Florida Statutes, to read:

85 163.31777 Public schools interlocal agreement.—

86 (2) At a minimum, the interlocal agreement must address the
87 following issues:

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88 (j) Reasonable access, where available, to public easements
89 and public rights-of-way which may be necessary for the siting,
90 construction, expansion, or improvement of public school
91 facilities, including charter schools, consistent with adopted
92 level-of-service standards, school concurrency requirements, and
93 applicable public facilities planning requirements.

94 Section 4. Subsection (7) is added to section 163.3194,
95 Florida Statutes, to read:

96 163.3194 Legal status of comprehensive plan.-

97 (7) (a) Local government comprehensive plans and land
98 development regulations must include factors for assessing the
99 compatibility of allowable residential uses within a residential
100 zoning district and future land use category. Such factors may
101 include intensity, density, scale, building size, mass, bulk,
102 height and orientation, lot coverage, lot size and
103 configuration, architectural style, permeability, screening,
104 buffers, setbacks, stepbacks, transitional areas, signage,
105 traffic and pedestrian circulation and access, and operational
106 impacts, such as noise, odor, and lighting.

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

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

115 2. If the applicant has proposed mitigation measures, the
116 local government may not deny an application on compatibility

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117 grounds unless the denial includes written findings stating that
118 the proposed mitigation measures are inadequate and that no
119 feasible mitigation measures exist.

120 3. A denial of an application on compatibility grounds must
121 specify with particularity the area or areas of incompatibility,
122 including applicable standards and an explanation of any
123 mitigation measures considered and declined by the applicant, or
124 the basis for determining that no feasible mitigation measures
125 exist. References to "community character" or "neighborhood
126 feel" are not sufficient in and of themselves to support a
127 denial of an application on compatibility grounds.

128 4. A local government's approval of an application may
129 include requirements or conditions to mitigate or minimize
130 compatibility concerns.

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

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

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

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

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

143 Section 5. Section 553.382, Florida Statutes, is amended to
144 read:

145 553.382 Placement of certain housing.—Notwithstanding any

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146 other law or ordinance to the contrary, in order to expand the
147 availability of affordable housing in this state, any
148 residential manufactured building that is certified under this
149 chapter by the department may be placed on a mobile home lot in
150 a mobile home park, ~~recreational vehicle park,~~ or mobile home
151 condominium, cooperative, or subdivision or on any lot in a
152 recreational vehicle park. Any such housing unit placed on a
153 mobile home lot is a mobile home for purposes of chapter 723
154 and, therefore, all rights, obligations, and duties under
155 chapter 723 apply, including the specifics of the prospectus.
156 However, a housing unit subject to this section may not be
157 placed on a mobile home lot without the prior written approval
158 of the park owner. Each housing unit subject to this section
159 which is placed on a mobile home lot shall be taxed as a mobile
160 home under s. 320.08(11) and is subject to payments to the
161 Florida Mobile Home Relocation Fund under s. 723.06116.

162 Section 6. Section 553.385, Florida Statutes, is created to
163 read:

164 553.385 Zoning of offsite constructed residential
165 dwellings; parity.-

166 (1) As used in this section, the term:

167 (a) "Local government" means a county or municipality.

168 (b) "Offsite constructed residential dwelling" means a
169 manufactured building as defined in s. 553.36 which is intended
170 for single-family residential use, or a manufactured home as
171 defined in s. 320.01(2)(b), which is constructed in whole or in
172 part offsite and is treated as real property.

173 (2) (a) An offsite constructed residential dwelling must be
174 permitted as of right in any zoning district where single-family

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175 detached dwellings are allowed.

176 (b) A local government may not adopt or enforce any zoning,
177 land use, or development regulation that treats an offsite
178 constructed residential dwelling differently or more
179 restrictively than a single-family site-built dwelling allowed
180 in the same district.

181 (c) This section does not prohibit a local government from
182 applying generally applicable architectural, aesthetic, design,
183 setback, height, or bulk standards to offsite constructed
184 residential dwellings, provided such standards apply equally to
185 site-built single-family dwellings permitted in the same
186 district. A local government may adopt compatibility standards
187 that are limited to the following architectural features:

- 188 1. Roof pitch.
- 189 2. Square footage of livable space.
- 190 3. Type and quality of exterior finishing materials.
- 191 4. Foundation enclosure.
- 192 5. Existence and type of attached structures.
- 193 6. Building setbacks, lot dimensions, and the orientation
194 of the home on the lot.

195 (d) A local government may not treat offsite constructed
196 residential dwellings differently than factory-built buildings
197 subject to s. 553.38 based on the method or location of
198 construction.

199 (3) A local government may not adopt or enforce any zoning,
200 land use, or development ordinance or regulation that conflicts
201 with this section or s. 553.38 or that imposes different or more
202 restrictive treatment on an offsite constructed residential
203 dwelling based on its method of construction or the presence of

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204 components built off site. Local government ordinances and
205 regulations may not have the effect of excluding offsite
206 constructed residential dwellings and must be reasonable and
207 uniformly enforced without any distinction as to the type of
208 housing. Any such ordinance or regulation is void and
209 unenforceable as applied to offsite constructed residential
210 dwellings.

211 Section 7. (1) The Office of Program Policy Analysis and
212 Government Accountability (OPPAGA) shall conduct a study to
213 identify the effects of removing the Urban Development Boundary
214 (UDB) and other similar boundaries in Miami-Dade County and
215 other counties.

216 (2) The study must:

217 (a) Address whether counties may control growth through
218 other zoning and land use designations.

219 (b) Include an analysis of the economic benefits related to
220 the cost of land and housing.

221 (c) Analyze whether local counties have the ability to
222 protect the environment and water quality without having a UDB
223 or similar boundary within their respective jurisdictions.

224 (3) By December 1, 2026, OPPAGA shall submit the results of
225 the study to the President of the Senate and the Speaker of the
226 House of Representatives.

227 Section 8. This act shall take effect January 1, 2027.