

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

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BILL #: [CS/HB 299](#)

TITLE: Blue Ribbon Projects

SPONSOR(S): Melo

COMPANION BILL: [CS/SB 354](#) (McClain)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Intergovernmental Affairs](#)

12 Y, 2 N, As CS

[Commerce](#)

[State Affairs](#)

SUMMARY

Effect of the Bill:

The bill creates a framework for a new type of planned community referred to as a “blue ribbon project” (BRP) that is intended to balance environmental stewardship with the need for development to provide for future growth. The bill:

- Establishes requirements for a proposed development to qualify as a BRP.
- Provides criteria for the types of development that must be contained within each BRP.
- Requires each BRP to be developed in accordance with a blue ribbon plan that adopts a longer planning period than local government comprehensive plans.

Each application for a proposed BRP is submitted to the applicable county or municipal government. The applicable local government may only review the application for compliance with the requirements of the bill and must do so within a set timeframe. BRPs may be located in any future land use designation and zoning designation without the need for a comprehensive plan amendment or rezoning.

The bill provides an appeal procedure for applicants who are denied approval of a BRP or for persons whose substantial interests are impacted by the approval of a BRP.

Fiscal or Economic Impact:

The bill may have an indeterminate fiscal impact on state government and local governments.

[JUMP TO](#)

[SUMMARY](#)

[ANALYSIS](#)

[RELEVANT INFORMATION](#)

[BILL HISTORY](#)

ANALYSIS

EFFECT OF THE BILL:

The bill creates a framework for a new type of planned community referred to as a “blue ribbon project” (BRP). BRPs are intended to balance environmental stewardship with the need for development to provide for future growth. The bill states the Legislature intends for BRPs to promote the preservation of natural areas, encourage agricultural land uses and rural land stewardship, protect critical ecological systems, expand wildlife corridors, and provide for more compact mixed-use developments designed for long-term viability. (Section 1)

To qualify as a BRP a proposed development project must meet the following requirements:

- Contain at least 10,000 acres of contiguous land owned by, or by entities owned or controlled by, the same person.
- At least 60 percent of the land must be set aside as “reserve area,” which consists of lands used for environmental conservation, parks and recreation, productive agriculture and silviculture, utility sites, reservoirs and lakes, conservations easements and agreements for the Department of Agriculture and Consumer Services’s [Rural and Family Lands Protection Program](#), or uses that support such activities. If

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any of the project boundary is contiguous to state-owned environmental preservation land or the [Florida Wildlife Corridor](#), a portion of the reserve area must be located adjacent to those lands.

- Any land not set aside as reserve area may be used as “development area,” which consists of lands to be developed for residential, commercial, industrial, or other uses. (Section [1](#))

Development Area

The bill requires the development area to have a dense, walkable, mixed-use, human-centered development pattern that utilizes principles of [new urban design](#), including the existence of inhabited areas separated by reserve area. These areas must be designed to enhance walkability and mobility and include a mixture of land uses. (Section [1](#))

The bill requires the residential portions of the development area to be varied in the types of housing available, with a mix of single-family and multi-family units provided in both attached and detached forms. Density in the residential portions of the BRP is limited to 12 units per gross acre, as measured in combination throughout all phases of the project. At least 20 percent of the residential units within each phase of the project must be a combination of [affordable housing](#) for persons at or below 80 percent of area median income, “missing middle housing,”¹ and housing that is affordable for persons eligible for the [Florida Hometown Hero Program](#). (Section [1](#))

The bill requires at least 10 percent of the development area to be allocated for non-residential land uses. In addition, a portion of the area must be intended for uses that provide economic development and create high-wage jobs, which must be located in a part of the BRP that is accessible by an interstate interchange, a state road, a rail line, an airport, or other transportation facility. The non-residential portions of the development area are subject to a maximum intensity of 85 percent impervious surface ratio per gross acre, as measured in combination throughout all phases of the project. (Section [1](#))

Timelines

A BRP may be developed in phases based on growth projections for the geographical area in which the project is located. [Development rights](#) and mitigation of project impacts are vested for at least 50 years, but if the applicant has developed at least 50 percent of the development area within 50 years of the project’s initial public dedication of infrastructure, the vested period is extended for an additional 25 years. (Section [1](#))

Blue Ribbon Plans

Each BRP must be developed in accordance with a blue ribbon plan that is the master development plan for the project. These plans, which are based on a planning period longer than the 20-year period required in a local government’s [comprehensive plan](#), must specify a population projection for the planning area during the chosen planning period. A plan is not required to demonstrate need based on projected population growth or any other basis.

Each blue ribbon plan must contain documentation, as well as exhibits including maps, illustrations, and text supported by data and analysis, that include:

- A long-term master development map that depicts the locations of the reserve and development areas.
- Identification and analysis of necessary water supplies and available sources of water, including water resource development and water supply development projects, and water conservation measures required to meet the projected demand from each phase of the project.
- Identification and analysis of transportation facilities and future transportation corridors necessary to serve development area land uses contained in the blue ribbon plan, including guidelines for each modal component to optimize mobility.

¹ The bill defines “missing middle housing” to mean “a range of for-sale and for-rent housing types, including, but not limited to, duplexes, triplexes, townhomes, small multi-family buildings, and small detached single-family homes, that fill the gap between larger single-family homes and larger apartment buildings” that may be vertically and horizontally integrated.

- Identification of other regionally significant public facilities, which must include utilities, parks, and schools, necessary to support the project's permitted density for each phase of the project and policies providing procedures to mitigate the impacts of the project's permitted density on public facilities.
- Identification of regionally significant natural resources within the reserve area based on the best available data and policies, and mechanisms to ensure the perpetual protection or conservation of specific resources, consistent with the overall conservation and development strategy for the project area.
- General principles and guidelines to:
 - Address land uses within the development and reserve areas, including the interrelationships between those areas.
 - Address the protection, restoration, and management of reserve areas identified in the blue ribbon plan for permanent conservation and public use, which must be phased in coordination with the phased development.
 - Achieve a cleaner and healthier environment.
 - Limit urban sprawl.
 - Provide a range of housing types.
 - Protect wildlife and natural areas.
 - Advance the efficient use of land and other resources.
 - Create quality communities of a design that reduces and captures vehicle trips and promotes mobility options.
 - Enhance the prospects for state and local economic development objectives and high-wage job creation.
- Development standards for each type of land use proposed within the development area which is typically found in a planned unit development.² (Section [1](#))

Water and wastewater facilities, transportation facilities, and other regionally significant public facilities must be provided in accordance with [concurrency](#) requirements. The bill provides that these facilities may be provided by the applicant, a special district, a local general-purpose government, or the state. (Section [1](#))

The bill encourages local governments to enter into [public-private partnerships](#) to provide public facilities, including partnerships for water storage and other water quality and capacity improvements that operate in the same manner as public-private partnerships for water improvements on private agricultural lands. (Section [1](#))

If a project under a blue ribbon plan contributes land, funds, or otherwise causes the construction of public facilities necessary for achieving concurrency, the project must receive dollar-for-dollar credits against impact, mobility, proportionate share, or other fee credits from the local government for such facility improvements as required under the concurrency statute.³ (Section [1](#))

The bill provides that any easement granted to the Department of Agriculture and Consumer Services for the Rural and Family Lands Protection Program, or any other easement or property granted to any other state agency, a water management district, or a local government, must be granted without charge. (Section [1](#))

Local Government Review

An applicant for a BRP must submit his or her application to the applicable county or municipal government for approval. The local government's review of the application is limited to determining whether the proposed BRP meets the bill's requirements, and if the BRP meets its requirements, the applicable local government must approve the project administratively without further action by the local government or any quasi-judicial or administrative reviewing body. (Section [1](#))

² A "planned unit development" is an area of land that is planned and developed as a single entity or in approved stages with uses and structures substantially related to the character of the entire development, or a self-contained development in which the subdivision and zoning controls are applied to the project as a whole rather than to individual lots. [S.163.3202\(5\)\(b\)2.. F.S.](#)

³ [S.163.3180, F.S.](#)

A BRP may be located on land with any [future land use designation](#) and with any [zoning](#) designation listed in the applicable local government's land development regulations. The local government may not require a [comprehensive plan amendment](#) or rezoning for approval of the project. (Section [1](#))

The bill provides that a BRP application is automatically approved if a local government fails to provide written comments on the application within 60 days after receipt of the application or within 30 days after the applicant files amended application documents that are responsive to the local government's initial review. At any point after the conclusion of the initial 60-day review period, the applicant may request a final determination, which must be made within seven days after receipt of the request. If the local government fails to provide the determination within the seven-day period, the application is automatically approved. (Section [1](#))

The bill authorizes applicants to hire [private companies to conduct plan reviews and building inspections](#). (Section [1](#))

Public Notice

If a BRP is approved, the bill requires the applicant to publish notice of the approval in a newspaper of general circulation in the area in which the land is located within 14 days after the approval is issued. The notice must include the local government order number (if any); the section, township, and range in which the BRP is located; and a description of the project. (Section [1](#))

The applicant must also record the blue ribbon plan in the public records of the county in which the project is located. The bill provides that the plan runs with the title to the land. A recorded plan may be amended using the same review procedures as the initial application, with the local government's review being limited to the portion of the plan being amended. (Section [1](#))

Appeals Procedure

If a local government denies an application for a BRP, the applicant may appeal the decision by filing a written petition with the Department of Commerce (Department) pursuant to [certain provisions of the Administrative Procedure Act](#),⁴ within 21 days after receipt of the denial. The applicant must provide a copy of the notice of appeal to the local government. (Section [1](#))

Additionally, any person whose substantial interests are or may be affected by a local government's approval of a BRP may file a written petition with the Department challenging the approval. This petition must be filed within 21 days of the publication of public notice of the BRP's approval. The petition must clearly state the reasons for the petition and describe how the project will adversely affect the person more substantially than the general population of the geographical area in which the project is located. The petitioner must provide a copy of the petition to the local government. If the petition is timely filed, the applicant may intervene as a party to the hearing. (Section [1](#))

Upon receipt of an appeal or petition, the Department must hold a hearing in accordance with ch. 120, F.S., and determine whether the BRP meets all requirements and issue a final order granting or denying the application. The Department may attach conditions or restrictions to the order. (Section [1](#))

The bill authorizes a prevailing party in proceedings brought by a person whose substantial interests are or may be affected by the local government's approval of a BRP to be awarded reasonable attorney fees if the non-prevailing party has been determined by the administrative law judge to have participated in the proceeding for an improper purpose.⁵ (Section [1](#))

⁴ See ss. [120.569](#) and [120.57](#), F.S.

⁵ See s. [120.595](#), F.S.

Effective Date

The effective date of the bill is July 1, 2026. (Section [2](#))

FISCAL OR ECONOMIC IMPACT:**STATE GOVERNMENT:**

The bill may have an indeterminate negative fiscal impact on state government to the extent applicants and other parties file appeals with the Department of Commerce challenging local government actions concerning BRPs.

LOCAL GOVERNMENT:

The bill may have an indeterminate fiscal impact on local governments to the extent the development of BRPs require additional local government services and generate additional tax revenue.

RELEVANT INFORMATION**SUBJECT OVERVIEW:****Comprehensive Planning**

The Community Planning Act⁶ provides counties and municipalities with the power to plan for future development by adopting comprehensive plans.⁷ Each county and municipality must maintain a comprehensive plan to guide future development and growth.⁸

All development, both public and private, and all development orders approved by local governments must be consistent with the local government's comprehensive plan.⁹ A comprehensive plan is intended to provide for the future use of land, which contemplates a gradual and ordered growth, and establishes a long-range maximum limit on the possible intensity of land use.¹⁰

A locality's comprehensive plan lays out the locations for future public facilities, including roads, water and sewer facilities, neighborhoods, parks, schools, and commercial and industrial developments.¹¹ A comprehensive plan is made up of 10 required elements, each laying out regulations for a different facet of development.¹² Local governments may also include optional elements in their comprehensive plan.¹³ The 10 required elements are:

- Capital improvements.
- Future land use plan.
- Transportation.
- General sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge.
- Conservation.
- Recreation and open space.
- Housing.
- Coastal management.
- Intergovernmental coordination.
- Property rights.¹⁴

⁶ [Ch. 163, Part II, F.S.](#)

⁷ [S. 163.3167\(1\), F.S.](#)

⁸ [S. 163.3167\(2\), F.S.](#)

⁹ [S. 163.3194\(1\)\(a\), F.S.](#)

¹⁰ See, e.g., Sarasota County, Fla., [Comprehensive Plan, Element 3, Ch. 7, FLU Policy 1.1.1](#) (May 2024).

¹¹ [S. 163.3177\(1\), F.S.](#)

¹² [S. 163.3177\(6\), F.S.](#)

¹³ [S. 163.3177\(1\)\(b\), F.S.](#)

¹⁴ [S. 163.3177\(6\), F.S.](#)

Comprehensive plans must include at least two planning periods, one covering the first 10-year period occurring after the plan's adoption and one covering a period of at least 20 years.¹⁵ Additional planning periods are permissible and accepted as part of the planning process.

Comprehensive Plan Amendments

Comprehensive plan amendments are generally governed by the state expedited review process, which typically begins with an initial public hearing during which the local government's governing body decides whether to transmit the proposed amendment to the reviewing agencies.¹⁶ The local government's decision must be by an affirmative vote of at least a majority of the governing body's members present at the hearing.¹⁷ Within 10 working days of such hearing, the local government must transmit the plan amendment and appropriate supporting data and analyses to the reviewing agencies for expedited comment¹⁸ and to any other local government or governmental agency that filed a written request for such transmittal with the local government.¹⁹ Interested persons may also provide the local government with written or oral comments, recommendations, or objections to the plan amendment.²⁰

Within 180 days after receipt of any agency comments, the local government must generally hold a second public hearing to determine whether to adopt the plan amendment.²¹ However, where the proposed plan amendment is a small-scale development amendment,²² the local government must hold only the public adoption hearing; the initial public hearing is not required.²³ In either case, plan amendment adoption must be by an affirmative vote of at least a majority of the governing body's members present at the hearing, and failure to hold a timely adoption hearing causes the amendment to be deemed withdrawn unless the timeframe is extended by agreement with specified notice to the state land planning agency, which is currently the Department of Commerce (Department), and other parties.²⁴

Within 10 working days of the adoption hearing, the local government must transmit the plan amendment to the Department and any affected person who provided timely comments on the amendment.²⁵ The Department must review the amendment package for any deficiencies and send notice of such deficiencies to the local government within five working days of receipt of the amendment package.²⁶ If no deficiencies are found, the amendment takes

¹⁵ [S. 163.3177\(5\)\(a\), F.S.](#)

¹⁶ Section [163.3184\(1\)\(c\), F.S.](#) provides that "reviewing agencies" are the state land planning agency, the appropriate regional planning council, the appropriate water management district, the Department of Environmental Protection, the Department of State, the Department of Transportation, the Department of Education (for plan amendments relating to public schools), the commanding officer of an affected military installation, the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (for county plans and plan amendments), and, for municipal plans and plan amendments, the county in with the municipality is located. Amendments that do not use the state expedited review process include plan amendments that are in an area of critical state concern; propose a rural land stewardship area; propose a sector plan or an amendment to an adopted sector plan; or update a comprehensive plan based on an evaluation and appraisal, which use the state coordinated review process and small-scale development amendments that involve the use of 50 acres or fewer, only proposes a land use change to the future land use map for a site-specific small-scale development activity, and only applies to property not located within an area of critical state concern, absent an exception related to affordable housing development.

[Ss. 163.3184\(2\)\(b\)-\(c\), \(4\)](#) and [163.3187, F.S.](#)

¹⁷ [S. 163.3184\(11\), F.S.](#)

¹⁸ The expedited review process is set out in [s. 163.3184\(3\), F.S.](#)

¹⁹ [S. 163.3184\(3\), F.S.](#)

²⁰ *Id.*

²¹ [S. 163.3184\(3\)\(c\)1, F.S.](#) Plan amendments under the expedited state review process must be adopted within 180 days of the second public hearing held to consider the amendments.

²² Small-scale comprehensive plan amendments are generally not reviewed by the Department. See [ss. 163.3184\(2\)\(b\) and 163.3187, F.S.](#)

[S. 163.3187\(1\), F.S.](#)

²³ [Ss. 163.3184\(2\) and 163.3187\(2\), F.S.](#)

²⁴ [S. 163.3184\(3\), \(4\), and \(11\), F.S.](#)

²⁵ *Id.*

²⁶ [S. 163.3184\(3\)\(c\)3. and \(4\)\(e\)3., F.S.](#)

effect 31 days after the Department notifies the local government that the amendment package is complete for the expedited state review process, 31 days after the adoption of the amendment for small-scale development amendments, or pursuant to the Department's notice of intent determining the amendment is in compliance for the state coordinated review process.²⁷

Amendments to comprehensive land use plans are legislative decisions that are subject to the "fairly debatable" standard of review, even when amendments to plans are being sought as part of a rezoning application in respect to only one piece of property.²⁸ "Fairly debatable" means that the government's action must be upheld if reasonable minds could differ as to the propriety of the decision reached.²⁹

Future Land Use Element

Comprehensive plans must contain an element regarding future land use that designates 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.³⁰ 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.³¹ The proposed 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 area³² and the future land use element must include a future land use map or map series.³³ Future land use plans and plan amendments must be based upon the:

- Amount of land required to accommodate anticipated growth.
- Projected permanent and seasonal population of the area.
- Character of undeveloped land.
- Availability of water supplies, public facilities, and services.
- Need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community.
- Compatibility of uses on lands adjacent to or closely proximate to military installations.
- Compatibility of uses on lands adjacent to an airport.
- Discouragement of urban sprawl.
- Need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy.
- Need to modify land uses and development patterns within antiquated subdivisions.³⁴

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.³⁵

Each county and municipality must adopt and enforce land development regulations consistent with and that implement its adopted comprehensive plan.³⁶ Local governments are encouraged to use innovative land

²⁷ [Ss. 163.3184\(3\)\(c\)4., 163.3184\(4\)\(e\)4.-5.](#), and [163.3187\(5\)\(c\), F.S.](#)

²⁸ *Martin Cty. v. Yusem*, 690 So.2d 1288, 1293-94 (Fla. 1997).

²⁹ Gary K. Hunter Jr. and Douglas M Smith, [ABCs of Local Land Use and Zoning Decisions](#), 84 Fla. B.J. 20 (January 2010).

³⁰ [S. 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. [S. 163.3177\(6\)\(a\)10., F.S.](#)

³¹ [S. 163.3177\(6\)\(a\)1., F.S.](#)

³² [S. 163.3177\(6\)\(a\)2., F.S.](#)

³³ [S. 163.3177\(6\)\(a\)10., F.S.](#)

³⁴ [S. 163.3177\(6\)\(a\)2., F.S.](#)

³⁵ [S. 163.3164\(26\), F.S.](#)

³⁶ [S. 163.3202\(1\), F.S.](#)

development regulations³⁷ and may adopt measures for the purpose of increasing affordable housing using land-use mechanisms.³⁸

Zoning

A comprehensive plan's future land use element establishes a range of allowable uses and densities³⁹ and intensities⁴⁰ over large areas, while the specific use and intensities for specific parcels within that range are decided by a more detailed, implementing zoning map.⁴¹

Zoning maps and zoning districts are adopted by a local government for developments within each land use category or sub-category. While land uses are general in nature, one or more zoning districts may apply within each land use designation.⁴² Common regulations within the zoning map districts include density, height and bulk of buildings, setbacks, and parking requirements. Regulations for a zoning category in a downtown area may allow for more density and height than allowed in a suburb, for instance.

If a developer or landowner believes that a proposed development may have merit but it does not meet the requirements of a zoning map in a jurisdiction, the developer or landowner can seek a rezoning through a rezoning application.⁴³ Rezoning applications are initially reviewed by local government staff, followed by a review by an appointed body that makes recommendations to the governing body of the local government, which makes the final determination.⁴⁴ If a property has unique circumstances or small nonconformities but otherwise meets zoning regulations, local governments may ease restrictions on certain regulations such as building size or setback through an application for a variance.⁴⁵ However, any action to rezone or grant a variance must be consistent with the local government's comprehensive plan.

Ordinances or resolutions that change the actual list of permitted, conditional, or prohibited uses within a zoning category or ordinances or resolutions initiated by the local government that change the actual zoning map designation of a parcel or parcels of land must follow additional enhanced notice requirements:

- If the area affected is less than 10 acres, the local government must notify by mail each property owner and hold a public meeting to discuss the ordinance or resolution before passage.
- If the area affected is 10 acres or greater, the local government must hold two separate meetings to discuss the changes, and notice the public through either mail to each property owner or to the public generally by newspaper.⁴⁶

Comprehensive rezonings affecting a large portion of the public are legislative in nature, and are subject to the fairly debatable standard of review, while rezoning actions that can be viewed as policy application, rather than policy setting, and which have an impact on a limited number of persons or property owners, are quasi-judicial in nature, and are properly reviewable by petition for certiorari on which they are subject to strict scrutiny and to substantial evidence standard.⁴⁷

³⁷ [S. 163.3202\(3\), F.S.](#)

³⁸ [Ss. 125.01055](#) and [166.04151, F.S.](#)

³⁹ "Density" means an objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre. [S. 163.3164\(12\), F.S.](#)

⁴⁰ "Intensity" means an objective measurement of the extent to which land may be developed or used, including the consumption or use of the space above, on, or below ground; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services. [S. 163.3164\(22\), F.S.](#)

⁴¹ 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 Cnty. v. Snyder*, 627 So. 2d 469, 475 (Fla. 1993).

⁴² See, e.g., Indian River County, [Planning and Development Services FAQ](#) (last visited Feb. 11, 2026).

⁴³ See e.g., City of Tallahassee, [Application for Rezoning Review](#) (last visited Feb. 11, 2026).

⁴⁴ See *id.* and City of Redington Shores, [Planning and Zoning Board](#) (last visited Feb. 11, 2026).

⁴⁵ See e.g., City of Tallahassee, [Variance and Appeals](#) and Seminole County, [Variance Processes](#) (last visited Feb. 11, 2026).

⁴⁶ See [ss. 125.66\(5\)](#) and [166.041\(3\), F.S.](#)

⁴⁷ *Brevard Cnty. v. Snyder*, 627 So. 2d 469, 474-75 (Fla. 1993).

Concurrency

In the context of comprehensive planning, “concurrency” refers to the concept of providing additional public facilities necessary to achieve and maintain standards of service in the community in a timely manner in response to increased demand caused by development.⁴⁸ All local government comprehensive plans must provide for concurrency in providing public facilities and services for sanitary sewer, solid waste, drainage, and potable water, but local governments may extend concurrency requirements to other public facilities such as transportation and schools.⁴⁹ When concurrency is applied to other public facilities and services, the local comprehensive plan must provide sufficient principles, standards, and adopted levels of service to guide its implementation.⁵⁰ Concurrency requirements apply to state facilities and other public facilities to the same extent as all other facilities and development.⁵¹

One method of funding local government concurrency requirements is through the adoption and imposition of impact fees on new development. Local governments impose impact fees to fund infrastructure⁵² needed to expand local services to meet the demands of population growth caused by new development.⁵³ The types of impact fees charged and the timing of their collection after issuing a building permit are within the discretion of the local government or special district authorities choosing to impose the fees.⁵⁴ In general, a building permit must be obtained before the construction, erection, modification, repair, or demolition of any building.⁵⁵

Development Rights

Land development, especially large-scale development, is completed in stages. During the development process, a landowner will often commence a particular land use activity in accordance with then-current zoning regulations that are amended at some later point in the development process in a manner that would prohibit the use. At this point, a landowner may claim a vested right to complete his or her project under the prior zoning regulations. Essentially, the landowner is asserting that when he or she commenced development activities under the prior zoning scheme, he or she acquired a property right, which cannot now be abridged by the government's exercise of its police powers, that is, the amended zoning ordinance.⁵⁶

Florida common law provides that vested rights may be established if a landowner or development has made a substantial change in position or has incurred extensive obligations that would make interfering with the acquire right inequitable in good faith reliance on an act or omission of government.⁵⁷

Florida law also allows for local governments to enter into development agreements with developers.⁵⁸ These agreements are “contract[s] between a local government and a property owner/developer, which provides the developer with vested rights by freezing the existing zoning regulations applicable to a property in exchange for public benefits.”⁵⁹ A development agreement must contain:

- A legal description of the land subject to the agreement and the names of its legal and equitable owners.
- The duration of the agreement.

⁴⁸ See [s. 163.3180\(5\)\(d\), F.S.](#) See also, David M. Layman, *Concurrency and Moratoria*, 71 Fla. B.J. 49 (January 1997).

⁴⁹ [S. 163.3180\(1\), \(5\), and \(6\), F.S.](#)

⁵⁰ [S. 163.3180\(1\)\(a\), F.S.](#)

⁵¹ [S. 163.3180\(4\), F.S.](#)

⁵² “Infrastructure” means the fixed capital expenditure or outlay for the construction, reconstruction, or improvement of public facilities with a life expectancy of five or more years, together with specific other costs required to bring the public facility into service but excluding the costs of repairs or maintenance. The term also includes specific equipment. [S. 163.31801\(3\), F.S.](#)

⁵³ [S. 163.31801\(2\), F.S.](#) Water and sewer connection fees are not impact fees. [S. 163.31801\(12\), F.S.](#)

⁵⁴ See [s. 163.31801\(2\), F.S.](#)

⁵⁵ [S. 553.79, F.S.](#)

⁵⁶ 35 Am. Jur. Proof of Facts 3d s. 385 (1996).

⁵⁷ *Monroe Cnty. v. Ambrose*, 866 So.2d 707, 710 (Fla. 3rd DCA 2003).

⁵⁸ [S. 163.3220\(4\), F.S.](#); See ss. [163.3220-163.3143](#), F.S., known as the “Florida Local Government Development Agreement Act.”

⁵⁹ *Morgan Co., Inc. v. Orange County*, 818 So. 2d 640 (Fla. 5th DCA 2002); 7 Fla. Jur 2d Building, Zoning, and Land Controls § 168 (2019)

- The development uses permitted on the land, including population densities, and building intensities and height.
- A description of public facilities that will service the development, including who will provide such facilities, the date any new facilities (if needed) will be constructed, and a schedule to assure public facilities are available concurrent with the impacts of the development.
- A description of any reservation or dedication of land for public purposes.
- A description of all local development permits approved or needed to be approved for the development of the land.
- A finding that the development permitted or proposed is consistent with the local government's comprehensive plan and land development regulations.
- A description of any conditions, terms, restrictions, or other requirements determined to be necessary by the local government for the public health, safety, or welfare of its citizens.
- A statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction does not relieve the developer of the necessity of complying with the law governing said permitting requirements, conditions, terms, or restrictions.⁶⁰

Within 14 days after a local government enters into a development agreement, the local government must record the agreement with the clerk of the circuit court in the county where the local government is located, and such an agreement is not effective until it is properly recorded.⁶¹ A development agreement binds any person who obtains ownership of a property already subject to an agreement (successor in interest).⁶² A development agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest.⁶³

Public-private Partnerships

Public-private partnerships (P3s) are contractual arrangements between public entities and private sector entities⁶⁴ that facilitate increased private sector involvement in the funding and execution of public building and infrastructure projects. These agreements enable the collaboration of skills and assets from both sectors to provide services or facilities for the benefit of the general public. In addition to resource sharing, both parties assume shared risks and potential rewards throughout the delivery of the service or facility.⁶⁵ Several statutes promote and offer direction for P3 projects, including those for services and facilities related to transportation,⁶⁶ housing,⁶⁷ and education.⁶⁸

Responsible public entities (RPEs)⁶⁹ engage in P3 projects aimed at developing an extensive array of public-use facilities or projects that fulfill a public purpose. Examples of qualifying projects include those for mass transit, vehicle parking, airports or seaports, educational facilities, and public sector buildings or complexes such as courthouses or city halls.⁷⁰ Current law outlines specific requirements to which RPEs must adhere, including

⁶⁰ [S. 163.3227\(1\) and \(2\), F.S.](#); 7 Fla. Jur 2d Building, Zoning, and Land Controls § 168 (2019).

⁶¹ [S. 163.3239, F.S.](#); 7 Fla. Jur 2d Building, Zoning, and Land Controls § 168 (2019).

⁶² A successor in interest is one who follows another in ownership or control of property. A successor in interest retains the same rights as the original owner, with no change in substance. Black's Law Dictionary 1473 (8th ed. 2004); s. 163.3239, F.S.

⁶³ [S. 163.3237, F.S.](#)

⁶⁴ "Private entity" means any natural person, corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, nonprofit entity, or other private business entity. [S. 255.065\(1\)\(g\), F.S.](#)

⁶⁵ See Brian W. Rowlson, [Public Private Partnerships: The Future of Public Construction in Florida?](#), 86 Fla. B.J. 36 (July/August 2012)

⁶⁶ See [s. 334.30, F.S.](#), relating to public-private transportation facilities.

⁶⁷ See [s. 420.0003\(2\)\(b\), F.S.](#), relating to state housing strategy.

⁶⁸ See [s. 1013.35, F.S.](#), relating to school district educational facilities plans.

⁶⁹ "Responsible public entity" means a county, municipality, school district, special district, or any other political subdivision of the state; a public body corporate and politic; or a regional entity that serves a public purpose and is authorized to develop or operate a qualifying project. [S. 255.065\(1\)\(j\), F.S.](#)

⁷⁰ "Qualifying project" means a facility or project that serves a public purpose, including, but not limited to, any ferry or mass transit facility, vehicle parking facility, airport or seaport facility, rail facility or project, fuel supply facility, oil or gas pipeline, medical or nursing care facility, recreational facility, sporting or cultural facility, or educational facility or other building or

protocols for reviewing and approving proposals.⁷¹ Additionally, agreements for P3s for water storage, groundwater recharge, and water quality improvements must document the baseline condition of wetlands and other surface waters before any improvements are constructed.⁷²

Private Providers for Plans Review and Building Inspections

Current law allows property owners and contractors to hire licensed building code officials, engineers, and architects, referred to as private providers,⁷³ to review building plans, perform building inspections, and prepare certificates of completion.⁷⁴ Private providers and their duly authorized representatives are able to approve building plans and perform building code inspections as long as the plans approval and building inspections are within the scope of the provider's or representative's license.

When a private provider submits an application for a permit, the local building official may provide a written notice of plan deficiencies within certain prescribed time periods, which may lead to a permit denial.⁷⁵ The local building official may visit a building site as often as necessary to verify that the private provider is performing all required inspections.⁷⁶ A deficiency notice must be posted by the private provider, a duly authorized representative of the private provider, or the local building code enforcement agency whenever a noncomplying item related to the building code or the permitted documents is found.⁷⁷ A local building code enforcement agency may audit the performance of building code inspection services by private providers operating within the local jurisdiction if the agency has created certain standard operating private provider audit procedures for the agency's internal inspection and review staff.⁷⁸

If an owner or contractor opts to use a private provider for purposes of plans review or building inspection services, the local government must calculate the cost savings to its building department and reduce the building permit fees accordingly.⁷⁹ Additionally, a local government may not charge a fee for building inspections when an owner or contractor uses a private provider but may charge a reasonable administrative fee for the clerical and supervisory assistance required.⁸⁰

Rural and Family Lands Protection Program

The Rural and Family Lands Protection Program (RFLPP) is a land preservation program within Department of Agriculture and Consumer Services (DACS) that was created to protect agricultural lands through the acquisition of permanent agricultural land conservation easements.⁸¹ Through the RFLPP, DACS, on behalf of the Board of

facility that is used or will be used by a public educational institution, or any other public facility or infrastructure that is used or will be used by the public at large or in support of an accepted public purpose or activity; an improvement, including equipment, of a building that will be principally used by a public entity or the public at large or that supports a service delivery system in the public sector; a water, wastewater, or surface water management facility or other related infrastructure; or notwithstanding any provision of this section, for projects that involve a facility owned or operated by the governing board of a county, district, or municipal hospital or health care system, or projects that involve a facility owned or operated by a municipal electric utility, only those projects that the governing board designates as qualifying projects pursuant to this section. [S. 255.065\(1\)\(i\), F.S.](#)

⁷¹ "Proposal" means a plan for a qualifying project with detail beyond a conceptual level for which terms such as fixing costs, payment schedules, financing, deliverables, and project schedule are defined. [S. 255.065\(1\)\(h\), F.S.](#)

⁷² [S. 373.4591, F.S.](#)

⁷³ A "private provider" is a person licensed as a building official, engineer, or architect, and includes licensed building inspectors and plans examiners who perform inspections for additions and alterations that are limited to 1,000 square feet or less in residential buildings. [S. 553.791\(1\)\(n\), F.S.](#)

⁷⁴ [S. 553.791, F.S.](#)

⁷⁵ S. 553.791(7), F.S.

⁷⁶ S. 553.791(9), F.S.

⁷⁷ *Id.*

⁷⁸ S. 553.791(20), F.S.

⁷⁹ "Such reduction may be calculated on a flat fee or percentage basis, or any other reasonable means by which a local enforcement agency assesses the cost for its plans review or inspection services." [S. 553.791\(2\)\(b\), F.S.](#)

⁸⁰ [S. 553.791\(2\)\(b\), F.S.](#)

⁸¹ Dept. of Agriculture and Consumer Services, [Rural and Family Lands Protection Program](#), (last visited Feb. 11, 2026).

Trustees of the Internal Improvement Trust Fund (Board),⁸² is authorized to allocate money to acquire perpetual, less-than-fee interests in land, enter into agricultural protection agreements, and enter into resource conservation agreements.⁸³ To qualify for acquisition, the agricultural land must protect the integrity and function of working landscapes, ensure opportunities for viable agricultural activities on working lands threatened by conversion to other uses, and meet at least one of the following public purposes:

- Promoting and protecting wildlife habitats.
- Perpetuating open space on working lands that contain significant natural areas.
- Protecting, restoring, or enhancing water bodies, aquifer recharge areas, wetlands, or watersheds.
- Protecting agricultural lands threatened by conversion to other uses.⁸⁴

Under the RFLPP, lands must be acquired pursuant to a priority ranking.⁸⁵ To develop the RFLPP priority list, DACS first reviews applications to evaluate the agricultural operation, whether best management practices are being implemented, and the suitability of the land for long-term agricultural use.⁸⁶ This information is then compiled into an evaluation report and provided to the Rural and Family Lands Selection Committee (Committee), the members of which are appointed by the Commissioner of DACS.⁸⁷ At a publicly noticed meeting, the Committee receives public comment, considers the eligibility of both new applications and projects on the existing priority list, and adopts a new list of projects in tiered priority order that qualify for acquisition under the RFLPP.⁸⁸ The Committee must give preference to ranch and timber lands that are managed using certain sustainable practices.⁸⁹ The priority list is then sent to the Board for approval.⁹⁰ The newly approved priority list supersedes any previous RFLPP priority lists.⁹¹

Before a parcel may be approved for acquisition by DACS, an appraisal must be conducted.⁹² Where the estimated value of a parcel exceeds \$5 million, two appraisals must be conducted. If both appraisals of a parcel exceed \$5 million and differ significantly, a third appraisal may be conducted. Fees associated with the appraisal process are paid by DACS.⁹³ Appraisal reports are confidential and exempt from public records disclosure until an option contract is executed, if applicable, or until two weeks before a contract or agreement for purchase is considered for approval by the Board.⁹⁴ However, DACS may disclose an appraisal report to a private landowner during negotiations for acquisition or to public agencies or nonprofit organizations that agree to maintain the confidentiality of the report when a joint acquisition of property is contemplated.

Through the RFLPP, the state has acquired conservation easements for over 222,000 acres of working agricultural land.⁹⁵ All perpetual easements acquired under the RFLPP must adhere to best management practices established by DACS.⁹⁶

⁸² The Board consists of the Governor, Attorney General, Chief Financial Officer, and Commissioner of Agriculture. [S. 253.001, F.S.](#)

⁸³ [S. 570.71\(1\), F.S.](#)

⁸⁴ *Id.*

⁸⁵ [S. 570.71\(10\), F.S.](#)

⁸⁶ R. 5I-7.005, F.A.C.

⁸⁷ R. 5I-7.007(1), F.A.C.

⁸⁸ R. 5I-7.007(4), F.A.C.

⁸⁹ [S. 570.71\(10\), F.S.](#), R. 5I-7.007(2), F.A.C.

⁹⁰ R. 5I-7.007(6), F.A.C.

⁹¹ R. 5I-7.007(10), F.A.C.

⁹² [S. 570.715\(1\)\(b\)1., F.S.](#)

⁹³ [S. 570.715\(1\)\(b\)2., F.S.](#)

⁹⁴ [S. 570.715\(5\), F.S.](#)

⁹⁵ Dept. of Agriculture and Consumer Services, [Rural and Family Lands Protection Program](#), (last visited Feb. 11, 2026).

⁹⁶ R. 5I-7.014(3), F.A.C.

Florida Wildlife Corridor

A wildlife corridor is a network of connected wildlife habitats the existence of which is necessary “for the long-term survival of and genetic exchange amongst regional wildlife populations.”⁹⁷ Wildlife corridors prevent the fragmentation of wildlife populations “by providing ecological connectivity of the lands needed to furnish adequate habitats and allow safe movement and dispersal.”⁹⁸ In 2021, the Legislature created the Florida Wildlife Corridor (Corridor)⁹⁹ to preserve and protect a “vital habitat for wide-ranging wildlife, such as the Florida panther.”¹⁰⁰ The Corridor currently comprises almost 17.7 million acres of land, which include 9.6 million acres of conserved land¹⁰¹ and 8.1 million acres of opportunity areas¹⁰² that do not have conservation status.¹⁰³

The Department of Environmental Protection is required to promote and encourage methods of investing in and protecting the Corridor, including encouraging all agencies that acquire lands to include in their land-buying efforts the acquisition of sufficient legal interest in opportunity areas to ensure the continued viability of the Corridor.¹⁰⁴ Because there is no land acquisition program specifically for acquiring lands that are located within the Corridor, initiatives such as the Florida Forever Program and the Rural and Family Lands Protection Program are used to acquire such lands.

New Urban Design

New urban design, also commonly referred to as new urbanism, is an urban design movement that focuses on traditional neighborhood principles in community planning, such as mixed commercial and residential land uses, close proximity between homes and work, and increased housing density.¹⁰⁵ The concept gained popularity during the 1990s as a planning initiative designed to ameliorate the social and environmental consequences of sprawl, a landscape increasingly recognized and denigrated as auto-dependent, wasteful, and unsustainable. Hallmarks of new urban design include:

- Livable streets arranged in compact, mixed use, walkable blocks.
- Neighborhoods with a range of housing choices to serve people of diverse ages, ethnicities, and income levels.
- Schools, stores, and other nearby destinations reachable by walking, bicycling, or transit service.
- An affirming, human-scaled public realm where appropriately designed buildings define and enliven streets and other public spaces.
- Communities and regions that are sustainable and resilient.¹⁰⁶

Affordable Housing

Housing is considered affordable when it costs less than 30 percent of a family’s gross income.¹⁰⁷ A family paying more than 30 percent of its income for housing is considered “cost burdened,” while those paying more than 50

⁹⁷ [S. 259.105\(4\)\(g\), F.S.](#)

⁹⁸ *Id.*

⁹⁹ [Ch. 2021-181, Laws of Fla.](#)

¹⁰⁰ [S. 259.1055\(2\), F.S.](#)

¹⁰¹ “Conserved lands” means federal, state, or local lands owned or managed for conservation purposes, including, but not limited to, federal, state, and local parks; federal and state forests; wildlife management areas; wildlife refuges; military bases and airports with conservation lands; properties owned by land trusts and managed for conservation; and privately owned land with a conservation easement, including, but not limited to, ranches, forestry operations, and groves. [S. 259.1005\(4\)\(a\), F.S.](#)

¹⁰² “Opportunity area” means those lands and waters within the Florida wildlife corridor that are not conserved lands and the green spaces within the Florida wildlife corridor which lack conservation status, are contiguous to or between conserved lands, and provide an opportunity to develop the Florida wildlife corridor into a statewide conservation network. [S. 259.1005\(4\)\(e\), F.S.](#)

¹⁰³ Florida Wildlife Corridor Foundation, [Maps](#) (last visited Feb. 11, 2026).

¹⁰⁴ [S. 259.1005\(5\), F.S.](#)

¹⁰⁵ Matthew B. Anderson, New Urbanism, International Encyclopedia of Geography: People, the Earth, Environment and Technology, pp. 1-3 (2017).

¹⁰⁶ Congress for the New Urbanism, [CNU invites applications for President and CEO](#) (last visited Feb. 11, 2026).

¹⁰⁷ [S. 420.0004\(3\), F.S.](#)

percent are considered “extremely cost burdened.” Severely cost burdened households are more likely to sacrifice other necessities such as healthy food and healthcare to pay for housing, and to experience unstable housing situations such as eviction.

Affordable housing is defined in terms of household income. Resident eligibility for state and federally-funded housing programs is governed by area median income (AMI) or statewide median family income,¹⁰⁸ published annually by the United States Department of Housing and Urban Development (HUD).¹⁰⁹ The following are standard household income level definitions and their relationship to the 2025 Florida statewide AMI of \$95,300 for a family of four (as family size changes, the income range also varies):

- Extremely low income – earning up to 30 percent of AMI (at or below \$28,590).¹¹⁰
- Very low income – earning from 30.01 to 50 percent of AMI (\$28,591 to \$47,650).¹¹¹
- Low income – earning from 50.01 to 80 percent of AMI (\$47,651 to \$76,240).¹¹²
- Moderate income – earning from 80.01 to 120 percent of AMI (\$76,241 to \$114,360).¹¹³

Florida Hometown Hero Program

The Florida Hometown Hero Program is a homeownership assistance program administered by the Florida Housing Finance Corporation (FHFC).¹¹⁴ Under the program, eligible first-time homebuyers, servicemembers, or veteran may access zero-interest loans to reduce the amount of the down payment and closing costs by a minimum of \$10,000 to a maximum of 5 percent or \$35,000, whichever is less.¹¹⁵ Loans must be repaid when the property is sold, refinanced, rented, or transferred unless otherwise approved by FHFC. Repayments for loans made under this program must be retained within the program to make additional loans.¹¹⁶

Loans under the program are available to qualifying homebuyers seeking first mortgages whose family incomes do not exceed 150 percent of the state or local AMI, whichever is greater, and are employed full-time by a Florida-based employer.¹¹⁷ The borrower must provide documentation of full-time employment, or full-time status for self-employed individuals.

Administrative Hearings

The Administrative Procedure Act¹¹⁸ provides a process for determining when an agency action affects a person's substantial interests.¹¹⁹ The process differs depending on whether the hearing involves a disputed issue of material fact.¹²⁰ If the dispute does not involve a disputed issue of material fact, the agency must:

- Give reasonable notice to all parties of the agency's action or inaction, including a summary of factual, legal, and policy grounds for making the decision.
- Give parties or their counsel the option to present the agency or hearing officer evidence in opposition to the action or inaction or provide a written statement.

¹⁰⁸ The 2025 Florida SMI for a family of four was \$95,300. U.S. Dept. of Housing and Urban Development, [FY 2025 Median Family Incomes for States, Metropolitan and Nonmetropolitan Portions of States](#) (last visited Feb. 11, 2026).

¹⁰⁹ *Id.*

¹¹⁰ [S. 420.0004\(9\), F.S.](#)

¹¹¹ [S. 420.0004\(17\), F.S.](#)

¹¹² [S. 420.0004\(11\), F.S.](#)

¹¹³ [S. 420.0004\(12\), F.S.](#)

¹¹⁴ [Ch. 2023-17, s. 35, Laws of Fla.](#), codified as [s. 420.5096, F.S.](#)

¹¹⁵ [S. 420.5096\(2\), F.S.](#) New loans issued during the 2025-2026 fiscal year are limited to person employed full-time by a Florida-based employer as a health care worker, school staff member, first responder, public safety or court employee, or child care worker, servicemembers, and veterans who are employed full-time by a Florida-based employer. [Ch. 2025-199, s. 107, Laws of Fla.](#), codified as [s. 420.5096\(6\), F.S.](#)

¹¹⁶ [S. 420.5096\(5\), F.S.](#)

¹¹⁷ [S. 420.5096\(3\), F.S.](#)

¹¹⁸ [Ch. 120, F.S.](#)

¹¹⁹ [S. 120.569, F.S.](#)

¹²⁰ [S. 120.569\(1\), F.S.](#)

- If the objections of the parties are overruled, provide a written explanation within seven days.¹²¹

If a disputed issue of material fact does exist, the issue is assigned to an administrative law judge who conducts a hearing in which all parties have an opportunity to respond, present evidence and argument on all issues involved, conduct cross-examination and submit rebuttal evidence, submit proposed findings of facts and orders, and file exceptions to the presiding officer's recommended order.¹²² A hearing may only occur if the agency determines the petition contains all required information.¹²³

Unless waived or extended with the consent of all parties, a final order in the proceeding must be rendered within 90 days:

- After the hearing is concluded, if conducted by the agency;
- After a recommended order is submitted to the agency and mailed to all parties, if the hearing is conducted by an administrative law judge; or
- After the agency has received the written and oral material it has authorized to be submitted, if there has been no hearing.¹²⁴

The final order must be in writing and include findings of fact, if any, as well as the conclusions of law.¹²⁵

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Intergovernmental Affairs Subcommittee	12 Y, 2 N, As CS	12/11/2025	Darden	Darden
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> • Allows reserve area to be used for conservation easements and agreements as part of the Department of Agriculture and Consumer Services's Rural and Family Lands Protection Program. • Revises affordable housing provisions to define affordability using the same definition used for state affordable housing programs. • Requires any easements or property granted by the applicant to a state agency, local government, or water management district to be granted without charge. 			
Commerce Committee			Hamon	Wright
State Affairs Committee				

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.

¹²¹ [S. 120.57\(2\)\(a\), F.S.](#)

¹²² [S. 120.57\(1\), F.S.](#)

¹²³ [S. 120.569\(2\)\(c\)-\(d\), F.S.](#)

¹²⁴ [S. 120.569\(2\)\(l\), F.S.](#)

¹²⁵ *Id.*