FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: CS/CS/CS/HB 399	**COMPANION BILL:** CS/SB 208 (McClain)
TITLE: Land Use and Development Regulations	**LINKED BILLS:** None
SPONSOR(S): Borrero	**RELATED BILLS:** None

Committee References

Intergovernmental Affairs	➤	Housing, Agriculture & Tourism	➤	State Affairs
10 Y, 3 N, As CS		11 Y, 4 N, As CS		16 Y, 10 N, As CS

SUMMARY

Effect of the Bill:

The bill makes the following changes concerning land use and development regulations:

- Requires application fees for development permits and orders to be reasonably related to the costs associated with reviewing and processing the application and prohibits fees based on a percentage of project costs.
- Provides that the exclusive method for the transmittal and adoption of an amendment to the future land use element of a comprehensive plan is by a majority vote of the members of the governing body present at the hearing, notwithstanding any county charter provision to the contrary.
- Requires each local government's comprehensive plan and land development regulations to include factors for assessing compatibility of residential uses and establishes requirements for examining an application for development for compatibility.

The bill requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a study to identify the effect of removing the Urban Development Boundary or similar boundaries in Miami-Dade County and other counties. The bill requires the study to contain certain specified elements and for OPPAGA to report its conclusions by December 1, 2026.

Fiscal or Economic Impact:

The bill may have an indeterminate negative fiscal impact on state government and local governments and an indeterminate positive economic impact on applicants for development permits and orders.

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ANALYSIS

EFFECT OF THE BILL:

Application Fees for Development Permits and Orders

The bill requires the amount of any application fee charged by a county or municipality for a development permit or development order be reasonably related to the direct and reasonable indirect costs associated with the review, processing, and final disposition of the application. These provisions parallel existing requirements for building permit fees. These rates must be published by the local government as part of its fee schedule. The bill prohibits a county or municipality from charging an application fee for a development permit or order that is based on a percentage of construction costs, site costs, or project valuation. This provision of the bill is effective on January 1, 2027. (Sections 1 and 2)

Public School Interlocal Agreements

The bill requires each interlocal agreement between a local government and school district to contain a provision concerning reasonable access to public easements and rights-of-way necessary for the siting, construction, expansion, or improvement of public school facilities, including charter schools. The interlocal agreement language must be consistent with the adopted level of service standards for facilities, school concurrency requirements, and

applicable public facilities planning requirements. This provision of the bill is effective on January 1, 2027. (Section 3)

Approval of Comprehensive Plan Amendments

The bill provides that the exclusive method for the transmittal and adoption of an amendment to the future land use element of a comprehensive plan is by a majority vote of the members of the governing body present at the hearing, notwithstanding any county charter provision to the contrary. (Section 5)

Compatibility

The bill requires each local government's comprehensive plan and land development regulations to include factors for assessing the compatibility of allowable residential uses within residential zoning districts and within the residential future land use category.

The bill provides that land development regulations must incorporate measures for mitigating or minimizing potential incompatibility. (Section 6)

The bill requires local government staff reviewing an application for rezoning, subdivision, or site plan approval to identify with specificity each area of incompatibility before recommending denial of an application. The bill requires that a denial of an application on compatibility grounds must specify the area or areas of incompatibility with particularly, including the applicable evaluation standards used, an explanation of any mitigation measures the applicant has considered and declined, 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. (Section 6)

The bill provides that local government staff may recommend mitigation measures to the applicant. If an applicant proposes mitigation measures, the bill prohibits a local government from denying an application on compatibility grounds unless the denial contains written findings stating that the proposed mitigation measures are inadequate and no feasible mitigation measures exist. The bill provides that a local government's approval of an application may include requirements or conditions to mitigate or minimize compatibility concerns. (Section 6)

These provisions 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; or
- Applications for development within historic districts designated before January 1, 2026. (Section 6)

These provisions do not require a local government to approve an application that is otherwise inconsistent with the applicable local government comprehensive plan or land development regulations. (Section 6)

This provision of the bill is effective on January 1, 2027. (Section 6)

Large Destination Resorts

The bill requires local governments to administratively approve, without further action by the local government or any quasi-judicial or administrative body, any application for a minor[1] special exception or variance submitted by a large destination resort[2] for the maintenance, modification, or refurbishment of an existing structure or site on the resort property that is not a contributing structure listed in the National Register of Historic Places. The special exception or variance must be for a change that is consistent with existing permitted or accessory uses in the local

[1] The bill defines "minor" as a special exception or variance that applies to no more than 20 percent of the total area of the parcel.

[2] The bill defines a "large destination resort" as public lodging establishment as defined in s. 509.013, F.S., that is comprised of at least five contiguous acres owned and controlled by the same business entity, containing at least 500 guest rooms, and that has had an average occupancy rate of at least 70 percent in the past three years.

government's comprehensive plan or zoning district at the time such resort applies for a permit for the project. (Section 4)

Manufactured Housing

The bill provides that a residential manufactured building certified by the Department of Business and Professional Regulation may be placed on any lot in a recreational vehicle park, instead of only those lots specifically designated for mobile homes. (Section 7)

The bill requires local governments to allow off-site constructed residential dwellings be permitted as of right in any zoning district where single-family detached dwellings are allowed.[3] Local governments are prohibited from imposing any regulation that treats an off-site constructed residential dwelling differently or more restrictively than a single-family site-built dwelling allowed on the same zoning district. (Section 8)

The bill provides that local governments may continue to apply generally applicable architectural, aesthetic, design, setback, height, or bulk standards to off-site constructed residential dwellings, provided such standards apply uniformly to all single-family dwellings in the same zoning district. Local governments may also adopt compatibility standards for architectural features, but such standards are limited to:

- Roof pitch.
- Square footage of livable space.
- Type and quality of exterior finishing materials.
- Foundation enclosure.
- Existence and type of attached structures.
- Building setbacks, lot dimensions, and the orientation of the home on the lot. (Section 8)

The bill prohibits local governments from adopting or enforcing any ordinance, regulation, or policy conflicts with these provisions or has the effect of excluding off-site constructed residential dwellings, and declares void existing ordinances, regulations, or policies as applied to off-site constructed residential dwellings. (Section 8)

Development Boundary Study

The bill requires the Office of Program Policy Analysis and Government Accountability to conduct a study to identify the effect of removing the Urban Development Boundary or similar boundaries in Miami-Dade County and other counties. The results of the study must be submitted to the President of the Senate and the Speaker of the House of Representatives by December 1, 2026. The bill requires the study to:

- Address whether counties may still control growth through other zoning and land use designations.
- Include an analysis of the economic benefits related to the cost of land and housing.
- Analyze whether local counties can still protect the environment and water quality without having an urban development boundary or a similar boundary within their jurisdiction. (Section 9)

Effective Date

The bill is effective upon becoming a law, but the provisions concerning application fees, public school interlocal agreements, manufactured housing, and compatibility are effective January 1, 2027. (Section 10)

FISCAL OR ECONOMIC IMPACT:

[3] The bill defines an "off-site constructed residential dwelling" as a manufactured building as defined in s. 553.36, F.S., which is intended for use as at least one type of starter home, or a manufactured home as defined in s. 320.01(2)(b), F.S., which is constructed in whole or in part off-site and is treated as real property.

STATE GOVERNMENT:

The bill may have an indeterminate negative fiscal impact on state government to the extent additional comprehensive plan amendments that must be reviewed by the Department of Commerce are adopted by local governments.

LOCAL GOVERNMENT:

The bill may have an indeterminate negative fiscal impact on local governments that charge application fees for development permits and orders in excess of the limitations provided by the bill.

PRIVATE SECTOR:

The bill may have an indeterminate positive economic impact on developers to the extent local government application fees for development permits and orders are reduced to comply with the provisions of the bill.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Comprehensive Planning

The Community Planning Act[4] provides counties and municipalities with the power to plan for future development by adopting comprehensive plans.[5] Each county and municipality must maintain a comprehensive plan to guide future development and growth.[6]

All development, both public and private, and all development orders approved by local governments must be consistent with the local government's comprehensive plan.[7] 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.[8]

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.[9] A comprehensive plan is made up of 10 required elements, each laying out regulations for a different facet of development.[10] Local governments may also include optional elements in their comprehensive plan.[11] 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.[12]

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[4] Ch. 163, Part II, F.S.
[5] S. 163.3167(1), F.S.
[6] S. 163.3167(1)(a), (2), F.S.
[7] S. 163.3194(1)(a), F.S.
[8] *See, e.g., Sarasota County, Fla. Comprehensive Plan, Future Land Use Element, FLU Policy 1.1.1* (last visited Jan. 24, 2026).
[9] S. 163.3177(1), F.S.
[10] S. 163.3177(6), F.S.
[11] S. 163.3177(1)(a), F.S.
[12] S. 163.3177(3), (6)(a)-(i), 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.[13] Additional planning periods are permissible and accepted as part of the planning process.

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.[14] 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.[15] 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 area.[16]

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.[17]

The future land use element of each comprehensive plan is required to consider both the amount of land required to accommodate anticipated growth and methods of discouraging urban sprawl.[18] Local governments balance these priorities by the adoption of an urban services area, which is intended to contain a certain proportion of new development over the planning period.[19] As a part of the local government's comprehensive plan, these areas can normally be adjusted by the local governing body by a majority vote.[20] Some counties, however, have adopted charter amendments that require extraordinary thresholds for the adoption of comprehensive plan amendments that adjust the boundary between urban and rural portions of the county.[21]

Compatibility

The future land use element must consider what uses are compatible with one another to guide rezoning requests, development orders, and plan amendments.[22] 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."[23] In other words, the compatibility requirement permits local governments to consider whether a proposed use can peacefully coexist with existing uses.

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[13] S. 163.3177(5)(a), F.S.
[14] 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.
[15] S. 163.3177(6)(a)1., F.S.
[16] S. 163.3177(6)(a)2., F.S.
[17] 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)).
[18] S. 163.3177(6)(a)2.a. and h., F.S.
[19] *See, e.g.,* Tallahassee-Leon County 2030 Comprehensive Plan, Land Use, Goal 1 ("The location and size of the [Urban Services Area] shall be depicted on the Future Land Use Map and is based upon the area necessary to accommodate 90% of new residential dwelling units within the County by the Plan Horizon[.]").
[20] *See* s. 163.3184(11)(a), F.S. (providing that the transmittal or adopting of a comprehensive plan amendment "shall be by affirmative vote of not less than a majority of the members of the governing body present at the hearing").
[21] *See, e.g.* Miami-Dade County Charter, s. 1.01(A)(5) ("[A]ny decision to include any additional land within the Urban Development Boundary of the County's Comprehensive Development Master Plan shall require a two-thirds vote of the Board of County Commissioners then in office) and Seminole County Charter, s. 5.2(B) ("Any vote to remove property from the Rural Area, however, shall only be by Supermajority vote of the Board of County Commissioners").
[22] S. 163.3194(3), F.S.
[23] S. 163.3164(9), F.S.

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.[24] To act on this requirement, land use regulations must contain specific and detailed provisions necessary to ensure the compatibility of adjacent land uses.[25] 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.[26]

Public School Interlocal Agreements

As part of the comprehensive planning process, each county and municipality is required to enter into an interlocal agreement with the district school board to jointly establish specific ways to coordinate planning between the local government and the school district.[27] These agreements must address:

- Methods of projecting the amount, type, and distribution of population growth and student enrollment.
- Coordination and information sharing concerning existing and planned public school facilities.
- Participation by affected local governments in evaluating potential school closures.
- How to determine the need for and timing of improvements necessary for school facilities.
- Methods for a district school board to inform the local government regarding the effect of comprehensive plan amendments on school capacity.
- Participation of local governments in the preparation of the annual update to the district school board's five-year district facilities work program and educational plant survey.
- Processes for determining where and how joint use of either school board or local government facilities can be shared for mutual benefit and efficiency.
- Procedures for resolving disputes, including, but not limited to, the procedures contained in chs. 164 and 186, F.S.
- An oversight process, including an opportunity for public participation, for the implementation of the interlocal agreement.[28]

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.[29] 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.[30] 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 comment[31] and to any other local government or governmental agency that filed a written request for such transmittal with the local government.[32] Interested

[24] S. 163.3177(6)(a)2.-3., F.S.
[25] S. 163.3202(2)(b), F.S.
[26] *See, e.g.*, City of Maitland Land Development Code, s. 5.10 (Residential Compatibility Standards).
[27] S. 163.31777(1), F.S. *But see* s. 163.31777(3)-(4), F.S. (providing exceptions for municipalities that meet certain criteria).
[28] S. 163.31777(2), F.S.
[29] Section 163.3184(1)(c), F.S., provides that "reviewing agencies" are the state land planning agency (Department of Commerce), 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.
[30] S. 163.3184(11), F.S.
[31] The expedited review process is set out in s. 163.3184(3), F.S.
[32] S. 163.3184(3), F.S.

persons may also provide the local government with written or oral comments, recommendations, or objections to the plan amendment.[33]

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.[34] Where the proposed amendment is a small-scale development amendment,[35] however, the local government must hold only the public adoption hearing; the initial public hearing is not required.[36] 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 withdrawn unless the timeframe is extended by agreement with specified notice to the Department of Commerce (Department), and other parties.[37]

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.[38] 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.[39] If no deficiencies are found, the amendment takes 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.[40]

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 includes any local government zoning, rezoning, subdivision, building construction, sign regulations, or any other regulations controlling the development of land.[41]

Each county and municipality must adopt and enforce land development regulations that are consistent with and that implement its adopted comprehensive plan.[42] Local governments are encouraged to use innovative land development regulations[43] and may adopt measures for the purpose of increasing affordable housing using land use mechanisms.[44]

[33] S. 163.3184(1), (3), (4), F.S.
[34] 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.
[35] Small-scale comprehensive plan amendments are generally not reviewed by the Department. *See* ss. 163.3184(2)(b) and 163.3187, F.S.
[36] Ss. 163.3184(2) and 163.3187(2), F.S.
[37] S. 163.3184(3), (4), and (11), F.S.
[38] *Id.*
[39] S. 163.3184(3)(c)3. and (4)(e)3., F.S.
[40] Ss. 163.3184(3)(c)4., 163.3184(4)(e)4.-5., and 163.3187(5)(c), F.S.
[41] S. 163.3164(26), F.S.
[42] S. 163.3202(1), F.S.
[43] S. 163.3202(3), F.S.
[44] Ss. 125.01055 and 166.04151, F.S.

Zoning

A comprehensive plan's future land use element establishes a range of allowable uses and densities[45] and intensities[46] over large areas, while the specific use and intensities for specific parcels within that range are decided by a more detailed, implementing zoning map.[47]

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.[48] 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.[49] Rezoning applications are initially reviewed by local government staff, then by an appointed body that makes recommendations to the governing body of the local government, which makes the final determination.[50] 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.[51] 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.[52]

Development Orders and Permits

Under the Community Planning Act, a development permit is any official action of a local government permitting the development of land.[53] Development permits include, but are not limited to, building permits, zoning permits, subdivision approval, rezoning, certifications, special exceptions, and variances.[54] A development order is issued by a local government and grants, denies, or grants with conditions an application for a development permit.[55]

Within five business days after receiving an application for approval of a development permit or development order, a county or municipality must confirm receipt of the application. The county or municipality has 30 days

[45] "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.
[46] "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.
[47] Grosso, *supra* note 14.
[48] *See, e.g.,* Indian River County, *Planning and Development Services FAQ* (last visited Jan. 24, 2026).
[49] *See e.g.,* City of Tallahassee, *Application for Rezoning Review* (last visited Jan. 24, 2026).
[50] *See id.* and City of Redington Shores, *Planning and Zoning Board* (last visited Jan. 24, 2026).
[51] *See e.g.*, City of Tallahassee, *Variance and Appeals* and Seminole County, *Variance Process Requirements* (last visited Jan. 24, 2026).
[52] *See* ss. 125.66(5) and 166.041(3), F.S.
[53] S. 163.3164(16), F.S.
[54] *Id*. The provisions of ss. 125.022 and 166.033, F.S., however, do not apply to building permits. S. 122.022(6) and 166.033(6), F.S.
[55] *See* ss. 125.022, 163.3164(15), and 166.033, F.S.

from receipt to review the application for completeness and issue a written notification to the applicant indicating that all required information is submitted or specify any areas that are deficient.[56] If the application is deficient, the applicant has 30 days to address the deficiencies by submitting the required additional information.

Within 120 days after the county or municipality has deemed the application complete, or 180 days for applications that require final action through a quasi-judicial hearing or a public hearing, the county or municipality must approve, approve with conditions, or deny the application for a development permit or development order.[57] Both the applicant and the local government may agree to an extension of time, particularly in the event of a force majeure or other extraordinary circumstance. An approval, approval with conditions, or denial of the application for a development permit or development order must include written findings supporting the local government's decision. These timeframes do not apply in an area of critical state concern.[58]

When reviewing an application for a development permit or development order, not including building permit applications, a county or municipality may not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing.[59] If a county or municipality makes a request for additional information from the applicant and the applicant provides the information within 30 days of receiving the request, the county or the municipality may take the following actions:

- *First Request for Information*: Review the additional information and issue a letter to the applicant indicating the application is complete or specify the remaining deficiencies within 30 days of receiving the information.[60]
- *Second Request for Information*: Same as the first request but the letter must be issued within 10 days of receiving the additional information.[61]
- *Third Request for Information*: Deem the application complete within 10 days of receiving the additional information or proceed to process the application for approval or denial unless the applicant waived the county's or municipality's time limitations in writing.[62]

Before a third request for information, the applicant must be offered a meeting to attempt to resolve outstanding issues.[63] If the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the applicant can request that the county or municipality proceed to process the application for approval or denial.[64]

A county or municipality that fails to meet the above timeframes is required to issue refunds to the applicant, ranging from 10 percent to 100 percent of the application fee, if the parties did not agree to an extension of time or the delay was not caused by the applicant or a force majeure[65] or other extraordinary circumstance.[66]

If a development permit or order is denied, the county or municipality must give written notice to the applicant and must reference the applicable legal authority for the denial of the permit.[67]

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[56] Ss. 125.022(2) and 166.033(2), F.S.
[57] *Id*.
[58] *Id*. Areas of critical state concern are designated in s. 380.0552, F.S., and ch. 28-36, F.A.C.
[59] Ss. 125.022(3)(a) and 166.033(3)(a), F.S.
[60] Ss. 125.022(3)(b) and 166.033(3)(b), F.S.
[61] Ss. 125.022(3)(c) and 166.033(3)(c), F.S.
[62] Ss. 125.022(3)(d) and 166.033(3)(d), F.S.
[63] *Id*.
[64] Ss. 125.022(3)(e) and 166.033(3)(e), F.S.
[65] Force majeure means "an event or effect that can be neither anticipated nor controlled; esp., an unexpected event that prevents someone from doing or completing something that he or she had agreed or officially planned to do." Black's Law Dictionary (12th ed. 2024).
[66] Ss. 125.022(4) and 166.033(4), F.S.
[67] Ss. 125.022(5) and 166.033(5), F.S.

Building Permit Fees

Local governments may provide a schedule of reasonable fees for enforcing the Florida Building Code (FBC). Such fees, and any fines or investment earnings related to the fees, may only be used for carrying out the local government's responsibilities in enforcing the FBC. A reasonable fee for enforcing the FBC includes direct costs and reasonable indirect costs associated with review of building plans, building inspections, reinspections, and building permit processing; building code enforcement; fire inspections associated with new construction; training costs associated with the enforcement of the FBC; and enforcement actions pertaining to unlicensed contractor activity to the extent not funded by other user fees.[68] A local government must post its permit and inspection fee schedules on its website.[69]

Placement of Manufactured Homes

Current law provides that any residential manufactured building that has been certified by the Department of Business and Professional Regulation may be placed on a mobile home lot located in a mobile home park, recreational vehicle park, mobile home condominium, cooperative, or subdivision, notwithstanding any other law or ordinance to the contrary.[70] Once placed on such a lot, the unit is treated as a mobile home for purposes of ch. 723, F.S., meaning all rights, obligations, and duties under the Mobile Home Park Lot Tenancy Law apply, including prospectus requirements and resident protections. Placement of a residential manufactured building requires the prior written approval of the park owner. These housing units are taxed as mobile homes and are subject to payments to the Florida Mobile Home Relocation Fund.

[68] S. 553.80(7)(a), F.S.
[69] Ss. 125.56(4)(c) and 166.222(2), F.S.
[70] S. 553.382, F.S.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Intergovernmental Affairs Subcommittee	10 Y, 3 N, As CS	1/28/2026	Darden	Darden
THE CHANGES ADOPTED BY THE COMMITTEE:	• Requires application fees for development permits and orders to reasonably relate to the direct and reasonable indirect costs associated with reviewing applications. • Requires that amendments to the future land use element of the comprehensive plan be adopted by majority vote of the members present, notwithstanding any county charter. • Requires local governments to include factors for assessing compatibility of residential uses in their comprehensive plans and land development regulations and provides standards for applying the adopted factors.			
Housing, Agriculture & Tourism Subcommittee	11 Y, 4 N, As CS	2/5/2026	Curtin	Wright
THE CHANGES ADOPTED BY THE COMMITTEE:	• Extends the deadline for OPPAGA to submit a report to the Legislature regarding the effect of removing Urban Development Boundaries to December 1, 2026, from October 1, 2026.			
State Affairs Committee	16 Y, 10 N, As CS	2/24/2026	Williamson	Darden
THE CHANGES ADOPTED BY THE COMMITTEE:	• Requires interlocal agreements between local governments and school districts to include a provision regarding reasonable access to public easements and rights-of-way for public school facilities. • Requires local governments to administratively approve applications for minor special exceptions or variances by large destination resorts. • Allows residential manufactured homes to be placed on any lot in a recreational vehicle park. • Prohibits local governments from restriction the use of off-site constructed residential dwellings beyond those requirements that apply to other types of residential dwellings in the same zoning district.			

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