

CS/HB 399

2026

A bill to be entitled
An act relating to land use and development regulations; amending ss. 125.022 and 166.033, F.S.; requiring that the amount of certain application fees reasonably relate to certain costs; requiring that such fees be published on the county's or municipality's fee schedule, respectively; prohibiting such fees from being based on certain costs or valuations; amending s. 163.3184, F.S.; requiring the transmittal and adoption of an amendment to the future land use element of a comprehensive plan to be by a majority vote of the members of the governing body; amending s. 163.3194, F.S.; requiring that local government comprehensive plans and land development regulations include specified factors for assessing the compatibility of certain residential uses; requiring that land development regulations incorporate certain objective standards or other measures for mitigating or minimizing potential incompatibility; requiring local government staff to meet certain requirements before recommending denial of certain applications on compatibility grounds; prohibiting a local government from denying certain applications on compatibility grounds if the applicant has proposed certain measures; providing an exception;

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requiring that the denial of an application specify certain information; authorizing local government approval of an application to include certain requirements or conditions; providing applicability; providing construction; requiring the Office of Program Policy Analysis and Government Accountability to conduct a specified study; providing study requirements; requiring the office to submit the results of the study to the Legislature by a specified date; providing effective dates.

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

Section 1. Effective January 1, 2027, subsection (9) of section 125.022, Florida Statutes, is renumbered as subsection (10), and a new subsection (9) is added to that section to read:

125.022 Development permits and orders.—

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

Section 2. Effective January 1, 2027, subsection (9) of

51 **section 166.033, Florida Statutes, is renumbered as subsection**
52 **(10), and a new subsection (9) is added to that section to read:**

53 166.033 Development permits and orders.—

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

61 **Section 3. Paragraph (a) of subsection (11) of section**
62 **163.3184, Florida Statutes, is amended to read:**

63 163.3184 Process for adoption of comprehensive plan or
64 plan amendment.—

65 (11) PUBLIC HEARINGS.—

66 (a) The procedure for transmittal of a complete proposed
67 comprehensive plan or plan amendment pursuant to subparagraph
68 (3)(b)1. and paragraph (4)(b) and for adoption of a
69 comprehensive plan or plan amendment pursuant to subparagraphs
70 (3)(c)1. and (4)(e)1. shall be by affirmative vote of not less
71 than a majority of the members of the governing body present at
72 the hearing. Notwithstanding any provision of a county charter,
73 the exclusive method for the transmittal and adoption of an
74 amendment to the future land use element of a comprehensive plan
75 must be by affirmative vote of a majority of the members of the

76 governing body present at the hearing. The adoption of a
77 comprehensive plan or plan amendment shall be by ordinance. For
78 the purposes of transmitting or adopting a comprehensive plan or
79 plan amendment, the notice requirements in chapters 125 and 166
80 are superseded by this subsection, except as provided in this
81 part.

82 **Section 4. Effective January 1, 2027, subsection (7) is
83 added to section 163.3194, Florida Statutes, to read:**

84 163.3194 Legal status of comprehensive plan.—
85 (7) (a) Local government comprehensive plans and land
86 development regulations must include factors for assessing the
87 compatibility of allowable residential uses within a residential
88 zoning district and future land use category. Such factors may
89 include intensity, density, scale, building size, mass, bulk,
90 height and orientation, lot coverage, lot size and
91 configuration, architectural style, permeability, screening,
92 buffers, setbacks, stepbacks, transitional areas, signage,
93 traffic and pedestrian circulation and access, and operational
94 impacts, such as noise, odor, and lighting.

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

98 (c) 1. Before recommending denial of an application for
99 rezoning, subdivision, or site plan approval on compatibility
100 grounds, local government staff must identify with specificity

101 each area of incompatibility and may recommend mitigation
102 measures to the applicant.

103 2. If the applicant has proposed mitigation measures, the
104 local government may not deny an application on compatibility
105 grounds unless the denial includes written findings stating that
106 the proposed mitigation measures are inadequate and that no
107 feasible mitigation measures exist.

108 3. A denial of an application on compatibility grounds
109 must specify with particularity the area or areas of
110 incompatibility, including applicable standards and an
111 explanation of any mitigation measures considered and declined
112 by the applicant, or the basis for determining that no feasible
113 mitigation measures exist. References to "community character"
114 or "neighborhood feel" are not sufficient in and of themselves
115 to support a denial of an application on compatibility grounds.

116 4. A local government's approval of an application may
117 include requirements or conditions to mitigate or minimize
118 compatibility concerns.

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

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

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

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

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

132 **Section 5.** The Office of Program Policy Analysis and
133 Government Accountability (OPPAGA) shall conduct a study to
134 identify the effect of removing the Urban Development Boundary
135 (UDB) or similar boundaries in Miami-Dade County and other
136 counties.

137 (1) The study shall:

138 (a) Address whether counties may still control growth
139 through other zoning and land use designations.

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

142 (c) Analyze whether local counties can still protect the
143 environment and water quality without having a UDB or a similar
144 boundary within their jurisdictions.

145 (2) By October 1, 2026, OPPAGA shall submit the results of
146 the study to the President of the Senate and the Speaker of the
147 House of Representatives.

148 **Section 6.** Except as otherwise expressly provided in this
149 act, this act shall take effect upon becoming a law.