

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

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

36  
37 Be It Enacted by the Legislature of the State of Florida:

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

42 125.022 Development permits and orders.—

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

50 **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

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

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

163.3194 Legal status of comprehensive plan.—

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

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

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

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.