

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 the amount of application fees associated  
5           with development permits or orders to reasonably  
6           relate to certain costs; requiring such fees to be  
7           published on the county's or municipality's fee  
8           schedule, respectively; prohibiting such fees from  
9           being based on certain costs or valuations; amending  
10          s. 163.31777, F.S.; requiring public schools  
11          interlocal agreements to address reasonable access to  
12          certain public easements and public rights-of-way;  
13          creating s. 163.31803, F.S.; providing legislative  
14          intent; defining the term "large destination resort";  
15          requiring local governments to administratively  
16          approve applications for minor special exceptions or  
17          variances submitted by large destination resorts that  
18          meet certain requirements; defining the term "minor  
19          special exception or variance"; amending s. 163.3184,  
20          F.S.; requiring the transmittal and adoption of an  
21          amendment to the future land use element of a  
22          comprehensive plan to be by a majority vote of the  
23          members of the governing body; amending s. 163.3194,  
24          F.S.; requiring local government comprehensive plans  
25          and land development regulations to include factors

26 | for assessing the compatibility of certain residential  
27 | uses; requiring land development regulations to  
28 | incorporate measures for mitigating or minimizing  
29 | potential incompatibility; requiring local government  
30 | staff to meet certain requirements before recommending  
31 | denial of certain applications on compatibility  
32 | grounds; prohibiting a local government from denying  
33 | certain applications on compatibility grounds if the  
34 | applicant has proposed certain measures; providing an  
35 | exception; requiring the denial of an application to  
36 | specify with particularity certain information;  
37 | authorizing a local government's approval of an  
38 | application to include certain requirements or  
39 | conditions; providing applicability; providing  
40 | construction; amending s. 553.382, F.S.; prohibiting  
41 | residential manufactured buildings from being denied a  
42 | building permit for placement on certain lots;  
43 | requiring housing units located on a mobile home lot  
44 | to be taxed in a specified manner and be subject to  
45 | payments to a specified fund; creating s. 553.385,  
46 | F.S.; defining the terms "local government" and "off-  
47 | site constructed residential dwelling"; requiring off-  
48 | site constructed residential dwellings to be permitted  
49 | as of right in certain zoning districts; prohibiting  
50 | local governments from adopting or enforcing

51 regulations that treat off-site constructed  
 52 residential dwellings in a specified manner; providing  
 53 construction; providing requirements for compatibility  
 54 and design standards; prohibiting a local government  
 55 from regulating or restricting off-site constructed  
 56 residential dwellings based on certain information;  
 57 prohibiting a local government from adopting or  
 58 enforcing certain ordinances, regulations, and  
 59 policies; requiring local government regulations to be  
 60 reasonable and uniformly enforced; requiring the  
 61 Office of Program Policy Analysis and Government  
 62 Accountability to conduct a specified study; providing  
 63 study requirements; requiring the office to submit the  
 64 results of the study to the Legislature by a specified  
 65 date; providing effective dates.

66  
 67 Be It Enacted by the Legislature of the State of Florida:

68  
 69 Section 1. Effective January 1, 2027, subsection (9) of  
 70 section 125.022, Florida Statutes, is renumbered as subsection  
 71 (10), and a new subsection (9) is added to that section to read:

72 125.022 Development permits and orders.—

73 (9) The amount of any application fee associated with a  
 74 development permit or development order must reasonably relate  
 75 to the direct and reasonable indirect costs associated with the

76 review, processing, and final disposition of the application and  
77 must be published on the county's fee schedule. The fee may not  
78 be based on a percentage of construction costs, site costs, or  
79 project valuation.

80 Section 2. Effective January 1, 2027, subsection (9) of  
81 section 166.033, Florida Statutes, is renumbered as subsection  
82 (10), and a new subsection (9) is added to that section to read:

83 166.033 Development permits and orders.—

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

91 Section 3. Effective January 1, 2027, paragraph (j) is  
92 added to subsection (2) of section 163.31777, Florida Statutes,  
93 to read:

94 163.31777 Public schools interlocal agreement.—

95 (2) At a minimum, the interlocal agreement must address  
96 the following issues:

97 (j) Reasonable access, where available, to public  
98 easements and public rights-of-way which may be necessary for  
99 the siting, construction, expansion, or improvement of public  
100 school facilities, including charter schools, consistent with

101 adopted level-of-service standards, school concurrency  
102 requirements, and applicable public facilities planning  
103 requirements.

104 Section 4. Section 163.31803, Florida Statutes, is created  
105 to read:

106 163.31803 Large destination resorts.-

107 (1) It is the intent of the Legislature to promote and  
108 sustain national and international tourism to this state by  
109 encouraging the ongoing maintenance, renewal, renovation, and  
110 improvement of large destination resorts. The Legislature finds  
111 that a uniform, statewide approach is necessary to avoid  
112 inconsistent local regulation that impedes improvements and to  
113 ensure predictability and timeliness in the development and  
114 improvement of qualifying large destination resorts.

115 (2) As used in this section, the term:

116 (a) "Large destination resort" means a public lodging  
117 establishment as defined in s. 509.013 that is comprised of at  
118 least 5 contiguous acres owned and controlled by the same  
119 business entity, containing at least 500 guest rooms, and that  
120 has had an average occupancy rate of at least 70 percent in the  
121 past 3 years.

122 (b) "Minor" means a special exception or variance that  
123 applies to no more than 20 percent of the total area of the  
124 parcel.

125 (3) A local government must administratively approve,

126 without further action by the local government or any quasi-  
127 judicial or administrative reviewing body, any application for a  
128 minor special exception or variance submitted by a large  
129 destination resort for the maintenance, modification, or  
130 refurbishment of an existing structure or site that is not a  
131 contributing structure which is listed in the National Register  
132 of Historic Places, provided such changes are consistent with  
133 the existing permitted or accessory uses in the land use  
134 category of the local government comprehensive plan or zoning  
135 district in which the structure or site is located at the time  
136 the large destination resort applies for a building permit or  
137 any other permit with respect to the changes.

138 Section 5. Paragraph (a) of subsection (11) of section  
139 163.3184, Florida Statutes, is amended to read:

140 163.3184 Process for adoption of comprehensive plan or  
141 plan amendment.—

142 (11) PUBLIC HEARINGS.—

143 (a) The procedure for transmittal of a complete proposed  
144 comprehensive plan or plan amendment pursuant to subparagraph  
145 (3) (b) 1. and paragraph (4) (b) and for adoption of a  
146 comprehensive plan or plan amendment pursuant to subparagraphs  
147 (3) (c) 1. and (4) (e) 1. shall be by affirmative vote of not less  
148 than a majority of the members of the governing body present at  
149 the hearing. Notwithstanding any provision of a county charter,  
150 the exclusive method for the transmittal and adoption of an

151 amendment to the future land use element of a comprehensive plan  
152 must be by affirmative vote of a majority of the members of the  
153 governing body present at the hearing. The adoption of a  
154 comprehensive plan or plan amendment shall be by ordinance. For  
155 the purposes of transmitting or adopting a comprehensive plan or  
156 plan amendment, the notice requirements in chapters 125 and 166  
157 are superseded by this subsection, except as provided in this  
158 part.

159 Section 6. Effective January 1, 2027, subsection (7) is  
160 added to section 163.3194, Florida Statutes, to read:

161 163.3194 Legal status of comprehensive plan.—

162 (7) (a) Local government comprehensive plans and land  
163 development regulations must include factors for assessing the  
164 compatibility of allowable residential uses within a residential  
165 zoning district and future land use category.

166 (b) Land development regulations must incorporate measures  
167 for mitigating or minimizing potential incompatibility.

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

173 2. If the applicant has proposed mitigation measures, the  
174 local government may not deny an application on compatibility  
175 grounds unless the denial includes written findings stating that

176 the proposed mitigation measures are inadequate and that  
177 feasible mitigation measures do not exist.

178 3. A denial of an application on compatibility grounds  
179 must specify with particularity the area or areas of  
180 incompatibility, including applicable standards and an  
181 explanation of any mitigation measures considered and declined  
182 by the applicant, or the basis for determining that feasible  
183 mitigation measures do not exist. References to "community  
184 character" or "neighborhood feel" are not sufficient, in and of  
185 themselves, to support a denial of an application on  
186 compatibility grounds.

187 4. A local government's approval of an application may  
188 include requirements or conditions to mitigate or minimize  
189 compatibility concerns.

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

192 1. Compatibility between uses in different future land use  
193 categories, including rural, agricultural, conservation, open  
194 space, mixed-use, industrial, or commercial use.

195 2. Applications for development within planned unit  
196 developments or master planned communities.

197 3. Applications for development within historic districts  
198 designated before January 1, 2026.

199 (e) This subsection does not require approval of an  
200 application that is otherwise inconsistent with the applicable

201 local government comprehensive plan or land development  
 202 regulations.

203 Section 7. Effective January 1, 2027, section 553.382,  
 204 Florida Statutes, is amended to read:

205 553.382 Placement of certain housing.—Notwithstanding any  
 206 other law or ordinance to the contrary, in order to expand the  
 207 availability of affordable housing in this state, any  
 208 residential manufactured building that is certified under this  
 209 chapter by the department may not be denied a building permit  
 210 for placement ~~be placed~~ on a mobile home lot in a mobile home  
 211 park, on any lot in a recreational vehicle park, or in a mobile  
 212 home condominium, cooperative, or subdivision. Any such housing  
 213 unit placed on a mobile home lot is a mobile home for purposes  
 214 of chapter 723 and, therefore, all rights, obligations, and  
 215 duties under chapter 723 apply, including the specifics of the  
 216 prospectus. However, a housing unit subject to this section may  
 217 not be placed on a mobile home lot without the prior written  
 218 approval of the park owner. Each housing unit located on a  
 219 mobile home lot and subject to this section shall be taxed as a  
 220 mobile home under s. 320.08(11) and is subject to payments to  
 221 the Florida Mobile Home Relocation Fund under s. 723.06116.

222 Section 8. Effective January 1, 2027, section 553.385,  
 223 Florida Statutes, is created to read:

224 553.385 Zoning of off-site constructed residential  
 225 dwelling; parity.—

226        (1) As used in this section, the term:  
227        (a) "Local government" means a county or municipality.  
228        (b) "Off-site constructed residential dwelling" means:  
229        1. A manufactured building, as defined in s. 553.36,  
230        intended for single-family residential use; or  
231        2. A manufactured home, as defined in s. 320.01(2)(b),  
232  
233        which is constructed, in whole or in part, off site and is  
234        treated as real property.  
235        (2)(a) An off-site constructed residential dwelling must  
236        be permitted as of right in any zoning district where single-  
237        family detached dwellings are allowed.  
238        (b) A local government may not adopt or enforce any  
239        zoning, land use, or development regulation that treats an off-  
240        site constructed residential dwelling differently or more  
241        restrictively than a single-family, site-built dwelling allowed  
242        in the same zoning district.  
243        (c) This section does not prohibit a local government from  
244        applying generally applicable architectural, aesthetic, design,  
245        setback, height, or bulk standards, provided such standards are  
246        applied uniformly to all single-family dwellings in the same  
247        zoning district.  
248        (d) Compatibility or design standards must be reasonable,  
249        may not have the effect of excluding off-site constructed  
250        residential dwellings, and, if adopted, must apply equally to

251 single-family, site-built dwellings. Such standards are limited  
252 to:

- 253 1. Roof pitch.
- 254 2. Minimum square footage of livable space.
- 255 3. Type and quality of exterior finishing materials.
- 256 4. Foundation enclosure.
- 257 5. Existence and type of attached structures.
- 258 6. Building setbacks, lot dimensions, and orientation.

259 (e) A local government may not regulate or restrict an  
260 off-site constructed residential dwelling based solely on:

- 261 1. The method of construction;
- 262 2. The location of construction; or
- 263 3. The presence of components constructed off site.

264 (3) A local government may not adopt or enforce any  
265 ordinance, regulation, or policy that conflicts with this  
266 section or s. 553.38, or that has the effect of excluding off-  
267 site constructed residential dwellings. Any such ordinance,  
268 regulation, or policy is void and unenforceable as applied to  
269 off-site constructed residential dwellings.

270 (4) Local government regulations must be reasonable and  
271 uniformly enforced without distinction as to housing type.

272 Section 9. The Office of Program Policy Analysis and  
273 Government Accountability (OPPAGA) shall conduct a study to  
274 identify the effect of removing the Urban Development Boundary  
275 (UDB) or similar boundaries in Miami-Dade County and other

276 | counties.

277 |       (1) The study shall:

278 |       (a) Address whether counties may still control growth  
279 | through other zoning and land use designations.

280 |       (b) Include an analysis of the economic benefits related  
281 | to the cost of land and housing.

282 |       (c) Analyze whether local counties can still protect the  
283 | environment and water quality without having a UDB or a similar  
284 | boundary within their jurisdictions.

285 |       (2) By December 1, 2026, OPPAGA shall submit the results  
286 | of the study to the President of the Senate and the Speaker of  
287 | the House of Representatives.

288 |       Section 10. Except as otherwise expressly provided in this  
289 | act, this act shall take effect upon becoming a law.