The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL:	SB 948
INTRODUCER:	Senator McClain
SUBJECT:	Local Government Land Development Regulations and Orders
DATE:	January 26, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Fleming	CA	**Pre-meeting**
2.			JU	
3.			RC	

I. Summary:

The bill creates the "Florida Starter Homes Act," a framework for preempting how local governments approach single-family residential zoning.

Under the bill, a local government may not adopt land development regulations that govern lots on residential real property unless such adoption is the least restrictive means of furthering a compelling governmental interest. If a lot on residential real property is connected to a public water or sewer system, a local government must follow certain restrictions on development regulations, including height and density minimums, parking and lot size maximums, and the ability to develop up to a quadruplex on single-family lots.

The bill introduces a new framework for the application for and approval of development applications, including development permits, orders, and plats. The framework includes strict timelines and penalties, and results in administrative approval on all residential development without input.

The bill offers specific legal guidelines for adjudication of a suit against a local government in violation of the new framework, and entitles a prevailing plaintiff to attorney fees and costs. The bill also waives sovereign immunity for any local government to the extent liability is created by the bill.

The bill deletes the administrative procedures for approving a development permit or order, as well as those for approving a plat. Each is replaced with a reference to following the application procedures established by the bill.

The bill takes effect July 1, 2026.

II. Present Situation:

The Community Planning Act

Adopted in 1985, the Local Government Comprehensive Planning and Land Development Regulation Act,[1] also known as Florida's Growth Management Act, was significantly revised in 2011, becoming the Community Planning Act.[2] The Community Planning Act governs how local governments create and adopt their local comprehensive plans.

Local comprehensive plans must include principles, guidelines, standards, and strategies for the orderly and balanced future land development of the area and reflect community commitments to implement the plan. The Community Planning Act intends that local governments manage growth through comprehensive land use plans that facilitate adequate and efficient provision of transportation, water, sewage, schools, parks, recreational facilities, housing, and other requirements and services.[3] A housing element is required as part of every comprehensive plan in the state. Among other things, the housing element must address "the creation or preservation of affordable housing to minimize the need for additional local services and avoid the concentration of affordable housing units only in specific areas of the jurisdiction."[4]

Municipalities established after the effective date of the Community Planning Act must adopt a comprehensive plan within three years after the date of incorporation.[5] The county comprehensive plan controls until a municipal comprehensive plan is adopted.[6]

The comprehensive plan is implemented via land development regulations. Each county and municipality must adopt and enforce land development regulations, such as zoning or other housing-related ordinances, which are consistent with and implement their adopted comprehensive plan.[7]

Comprehensive Plan Amendments

Development that does not conform to the comprehensive plan may not be approved by a local government unless the local government amends its comprehensive plan first. State law requires a proposed comprehensive plan amendment to receive two public hearings, the first held by the local planning board, and subsequently by the governing board.[8]

Any affected person may challenge whether a plan or plan amendment complies with the Act by petitioning the Division of Administrative Hearings (DOAH) for a formal hearing.[9] An administrative law judge must hold a hearing in the affected local jurisdiction on whether the

[1] *See* ch. 85-55, s. 1, Laws of Fla.
[2] *See* ch. 2011-139, s. 17, Laws of Fla.
[3] Section 163.3161(4), F.S.
[4] Section 163.3177(6)(f)1.g., F.S.
[5] Section 163.3167(3), F.S.
[6] *Id*.
[7] Section 163.3202, F.S.
[8] Sections 163.3174(4)(a) and 163.3184, F.S.
[9] Section 163.3184(5)(a), F.S.

plan or plan amendment is in compliance.[10] In challenges filed by an affected person, the comprehensive plan or plan amendment shall be determined to be in compliance if the local government's determination of compliance is fairly debatable. If the administrative law judge recommends that the amendment be found in compliance, the judge shall submit the recommended order to the state land planning agency for a final order in its favor.[11]

Issuing Development Orders and Permits

Under the Community Planning Act, a development permit is any official action of a local government that has the effect of permitting the development of land including, but not limited to, building permits, zoning permits, subdivision approval, rezoning, certifications, special exceptions, and variances.[12] A development order is issued by a local government and grants, denies, or grants with conditions an application for a development permit.[13]

Within 30 days after receiving an application for approval of a development permit or development order, a municipality or county must review the application for completeness and issue a letter indicating that all required information is submitted or specify any areas that are deficient. If the application is deficient, the applicant has 30 days to address the deficiencies by submitting the required additional information.[14]

Within 120 days after the municipality or county 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 must approve, approve with conditions, or deny the application for a development permit or development order.[15] Both the applicant and the local government may agree to a reasonable request for an extension of time, particularly in the event of an extraordinary circumstance.[16] An approval, approval with conditions, or denial of the application for a development permit or development order must include written findings supporting the county's decision.[17] However, these timeframes do not apply in an area of critical state concern.[18]

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.[19]

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 must:

[10] Section 163.3184(5)(c), F.S.
[11] Section 163.3184(5)(e), F.S.
[12] Section 163.3164(16), F.S.
[13] *See* ss. 125.022, 163.3164(15), and 166.033, F.S.
[14] Sections 125.022(1) and 166.033(1), F.S.
[15] *Id.*
[16] *Id.*
[17] *Id.*
[18] *Id.*
[19] Sections 125.022(2) and 166.033(2), F.S.

- Review the additional information and issue a letter to the applicant indicating that the application is complete or specify the remaining deficiencies within 30 days of receiving the information, if the request is the county or municipality's first request.[20]
- Review the additional information and issue a letter to the applicant indicating that the application is complete or specify the remaining deficiencies within 10 days of receiving the additional information, if the request is the county or municipality's second request.[21]
- Deem the application complete within ten days of receiving the additional information or proceed to process the application for approval or denial unless the applicant waived the county or municipality's time limitations in writing, if the request is the county or municipality's third request.

Before a third request for information, the applicant must be offered a meeting to attempt to resolve outstanding issues.[22] If the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the applicant can request the county or municipality proceed to process the application for approval or denial.[23] If denied, the county or municipality is required to give written notice to the applicant and must provide reference to the applicable legal authority for the denial of the permit.[24]

Once an application is deemed complete, a county or municipality must approve, approve with conditions, or deny the application within 120 days or 180 days for applications that require final action through a quasi-judicial hearing or a public hearing.[25]

Platting

In Florida law, a "plat" is a map or delineated representation of the subdivision of lands. It is a complete and exact representation of the subdivision and other information, in compliance with state law and any local ordinances.[26] Generally, platting is required whenever a developer wishes to subdivide a large piece of property into smaller parcels and tracts. These smaller areas become the residential lots, streets, and parks of a new residential subdivision.[27]

State law establishes consistent minimum requirements for the platting of lands but also authorizes local governments to regulate and control platting.[28] Prior to local government approval, the plat must be reviewed for conformity with state and local law and sealed by a professional surveyor and mapper employed by the local government.[29]

Before recording a plat, it must be approved by the appropriate local government administrative authority. The authority must provide written notice in response to a submittal within seven days

[20] Section 125.022(2)(b) and Section 166.033(2)(b), F.S.
[21] Section 125.022(2)(c) and Section 166(2)(c), F.S.
[22] Sections 125.022(2) and 166.033(2), F.S.
[23] *Id.*
[24] *Id.*
[25] *Id.*
[26] Section 177.031(14), F.S.
[27] Harry W. Carls, Florida Condo & HOA Law Blog, *Why is a Plat so Important?* (May 17, 2018), https://www.floridacondohoalawblog.com/2018/05/17/why-is-a-plat-so-important/.
[28] Section 177.011, F.S.
[29] Section 177.081(1), F.S.

acknowledging receipt, identifying any missing documents or information required, and providing information regarding the approval process including requirements and timeframes.[30]

Unless the applicant requests an extension, the authority must approve, approve with conditions, or deny the submittal within the timeframe identified in the initial written notice. A denial must be accompanied by an explanation of why the submittal was denied, specifically citing unmet requirements. The authority or local government may not request or require an extension of time.[31]

Sovereign Immunity

Sovereign immunity is "[a] government's immunity from being sued in its own courts without its consent."[32] The doctrine had its origin with the judge-made law of England. The basis of the existence of the doctrine of sovereign immunity in the United States was explained as follows: A sovereign is exempt from suit, not because of any formal conception or obsolete theory, but on the logical and practical ground that there can be no legal right as against the authority that makes the law on which the right depends.[33]

Article X, s. 13 of the Florida Constitution authorizes the Legislature to enact laws that permit suits against the State and its subdivisions, thereby waiving sovereign immunity. Currently, Florida law allows tort lawsuits against the State and its subdivisions[34] for damages that result from the negligence of government employees acting in the scope of their employment, but limits payment of judgments to $200,000 per person and $300,000 per incident.[35] This liability exists only where a private person would be liable for the same conduct.[36] Harmed persons who seek to recover amounts in excess of these limits may request that the Legislature enact a claim bill to appropriate the remainder of their court-awarded judgment.[37] Article VII, s. 1(c) of the Florida Constitution prohibits funds from being drawn from the State Treasury except in pursuance of an appropriation made by law. However, local governments and municipalities are not subject to this provision, and therefore may appropriate their local funds according to their processes.

III. Effect of Proposed Changes:

The bill creates s. 163.3254, F.S., the "Florida Starter Homes Act." The bill presents a framework for preempting how local governments approach single-family residential zoning.

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[30] Section 177.071(2) F.S.
[31] Section 177.071(3) F.S.
[32] BLACK'S LAW DICTIONARY (11th ed. 2019).
[33] *Cauley v. City of Jacksonville,* 403 So. 2d 379, 381 (Fla. 1981) (quoting *Kawananakoa v. Polyblank*, 205 U.S. 349, 353 (1907).
[34] Section 768.28(2), F.S., defines "state agencies or subdivisions" to include "executive departments, the Legislature, the judicial branch (including public defenders), and the independent establishments of the state, including state university boards of trustees; counties and municipalities; and corporations primarily acting as instrumentalities or agencies of the state, counties, or municipalities, including the Florida Space Authority."
[35] Section 768.28, F.S.
[36] Section 768.28(1), F.S.
[37] Section 768.28(5)(a), F.S. *See also*, s. 11.066, F.S., which states that state agencies are not required to pay monetary damaged under a court's judgment except pursuant to an appropriation made by law.

Under the bill, a local government may not adopt land development regulations that govern lots on residential real property unless such adoption is the least restrictive means of furthering a compelling governmental interest. Exceptions include preventing or abating nuisances, enforcing license or existing permits, or enforcing requirements of federal law or judicial determination.

If a lot on residential real property is connected to a public water or sewer system, or will be connected as part of a subdivision plan, a local government may not:

- Require a minimum lot size greater than 1,200 square feet;
- Prevent the lot from being developed as a townhouse, duplex, triplex, or quadruplex;
- Require greater setbacks than 0 feet side, 10 rear, or 20 front;
- Require minimum dimensions of a lot to exceed 20 feet;
- Require more than 30 percent of the lot area to be reserved for open space or permeable surface;
- Require a maximum building height less than three stories or 35 feet above grade;
- Require a maximum floor area ratio of less than 3;
- Require the property owner to occupy the property;
- Require a minimum size greater than the requirements of the Florida Building Code; or
- Require a more restrictive residential density.

Under the bill, local governments must allow a lot to front or abut a shared space instead of a public right-of-way. Local governments may not require a minimum number of parking spaces greater than one per residential dwelling unit for lots 4,000 square feet or less, or any minimum parking for lots within one-half mile of a permanent public transit stop such as bus, commuter rail, or intercity rail system. A local government must also allow the development of a lot split[38] without imposing regulations not applied to other developments.

The bill introduces a new framework for the application for and approval of development applications, including development permits, orders, and plats. Upon receipt of an application, a local government must confirm receipt and review for completeness within 7 days. A deficient applicant has 60 business days to address deficiencies. A local government must administratively approve an application within 20 business days without further action or approval. Denial of an application must include written findings in support. Failure to follow these procedures within certain time frames results in the application being deemed approved regardless of underlying merit or completeness. Failure by the local government to follow timelines results in a 100 percent refund of application fees.

Land development regulations applying to historic properties may not vary based on lot splits, except as it applies to prohibiting the demolition or alteration of a structure individually listed in the National Register of Historic Places, or a contributing structure in such a historic district.

A property owner or housing association may maintain a cause of action for damages for regulations adopted in violation of the bill. In such a proceeding the bill offers specific legal guidelines for adjudication, and entitles a prevailing plaintiff to attorney fees and costs.

[38] Defined by the bill to mean the division of a parcel into no more than eight lots.

The bill waives sovereign immunity for any local government to the extent liability is created by the bill.

The bill does not prohibit the governing documents of a condominium association, a homeowners' association, or a cooperative, or any deed restrictions established before July 1, 2026. Moving forward such documents recorded are void and unenforceable to the extent that they conflict with the bill.

The bill deletes the administrative procedures for approving a development permit or order, as well as those for approving a plat. Each is replaced with a reference to following the application procedures established by the bill.

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Due to the unknown impacts on development as well as individual property rights for current landowners, the private sector impact of the bill is indeterminate.

C. Government Sector Impact:

The bill will have an indeterminate, negative fiscal impact as local governments reconfigure their entire framework of single family residential zoning and development approval. The waiver of sovereign immunity for damages caused by violations of the bill further exposes local governments to potential negative fiscal impact.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 25.022, 166.033, and 177.071 of the Florida Statutes. This bill creates section 163.3254 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.