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2026 Legislature

1
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"; providing for the
20 expiration of specified provisions; creating s.
21 163.31804, F.S.; prohibiting the conditioning of a
22 local government permit or other approval for a
23 facility that processes compost on a specified
24 requirement; authorizing a local government to require
25 certain landowners to supply certain turnouts;

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26 prohibiting a local government from requiring the
27 purchase of additional property for a specified
28 purpose; prohibiting local governments from revoking
29 existing permits for such facilities under certain
30 circumstances; amending s. 163.3194, F.S.; requiring
31 local government comprehensive plans and land
32 development regulations to include factors for
33 assessing the compatibility of certain residential
34 uses; requiring land development regulations to
35 incorporate measures for mitigating or minimizing
36 potential incompatibility; requiring local government
37 staff to meet certain requirements before recommending
38 denial of certain applications on compatibility
39 grounds; prohibiting a local government from denying
40 certain applications on compatibility grounds if the
41 applicant has proposed certain measures; providing an
42 exception; requiring the denial of an application to
43 specify with particularity certain information;
44 authorizing a local government's approval of an
45 application to include certain requirements or
46 conditions; providing applicability; providing
47 construction; amending s. 553.382, F.S.; prohibiting
48 residential manufactured buildings from being denied a
49 building permit for placement on certain lots;
50 requiring that certain housing units continue to meet

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51 certain requirements; requiring housing units located
52 on a mobile home lot to be taxed in a specified manner
53 and be subject to payments to a specified fund;
54 creating s. 553.385, F.S.; defining the terms "local
55 government" and "off-site constructed residential
56 dwelling"; requiring off-site constructed residential
57 dwellings to be permitted as of right in certain
58 zoning districts; prohibiting local governments from
59 adopting or enforcing regulations that treat off-site
60 constructed residential dwellings in a specified
61 manner; providing construction; providing requirements
62 for compatibility and design standards; prohibiting a
63 local government from regulating or restricting off-
64 site constructed residential dwellings based on
65 certain information; prohibiting a local government
66 from adopting or enforcing certain ordinances,
67 regulations, and policies; requiring local government
68 regulations to be reasonable and uniformly enforced;
69 providing effective dates.

70
71 Be It Enacted by the Legislature of the State of Florida:

72
73 Section 1. Effective January 1, 2027, subsection (9) of
74 section 125.022, Florida Statutes, is renumbered as subsection
75 (10), and a new subsection (9) is added to that section to read:

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

166.033 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 municipality's fee schedule. The fee may not be based on a percentage of construction costs, site costs, or project valuation.

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

163.31777 Public schools interlocal agreement.—

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

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101 (j) Reasonable access, where available, to public
102 easements and public rights-of-way which may be necessary for
103 the siting, construction, expansion, or improvement of public
104 school facilities, including charter schools, consistent with
105 adopted level-of-service standards, school concurrency
106 requirements, and applicable public facilities planning
107 requirements.

108 Section 4. Section 163.31803, Florida Statutes, is created
109 to read:

110 163.31803 Large destination resorts.—

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

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

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

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

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

142 (4) This section expires July 1, 2031.

143 Section 5. Section 163.31804, Florida Statutes, is created
144 to read:

145 163.31804 Permits or other approval for facilities that
146 process compost.—

147 (1) A local government permit or other approval for a
148 facility that processes compost as defined in s. 576.011 may not
149 be conditioned on a requirement to purchase additional property
150 to expand the footprint of an existing privately owned road,

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151 but, where possible, the landowner may be required to supply
152 turnouts for emergency vehicles. The local government may not
153 require that additional property be purchased in order to
154 provide such turnouts.

155 (2) An existing permit for a facility that processes
156 compost as defined in s. 576.011 may not be revoked by the local
157 government if such activity is regulated through and in
158 compliance with applicable implemented best management
159 practices, interim measures, or regulations adopted as rules
160 under chapter 120 by the Department of Environmental Protection,
161 the Department of Agriculture and Consumer Services, or a water
162 management district as part of a statewide or regional program.

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

165 163.3194 Legal status of comprehensive plan.—

166 (7)(a) Local government comprehensive plans and land
167 development regulations must include factors for assessing the
168 compatibility of allowable residential uses within a residential
169 zoning district and future land use category.

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

172 (c)1. Before recommending denial of an application for
173 rezoning, subdivision, or site plan approval on compatibility
174 grounds, local government staff must identify with specificity
175 each area of incompatibility and may recommend mitigation

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176 measures to the applicant.

177 2. If the applicant has proposed mitigation measures, the
178 local government may not deny an application on compatibility
179 grounds unless the denial includes written findings stating that
180 the proposed mitigation measures are inadequate and that
181 feasible mitigation measures do not exist.

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

191 4. A local government's approval of an application may
192 include requirements or conditions to mitigate or minimize
193 compatibility concerns.

194 (d) This subsection does not apply to any of the
195 following:

196 1. Compatibility between uses in different future land use
197 categories, including rural, agricultural, conservation, open
198 space, mixed-use, industrial, or commercial use.

199 2. Applications for development within planned unit
200 developments or master planned communities.

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201 3. Applications for development within historic districts
202 designated before January 1, 2026.

203 (e) This subsection does not require approval of an
204 application that is otherwise inconsistent with the applicable
205 local government comprehensive plan or land development
206 regulations.

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

209 553.382 Placement of certain housing.—Notwithstanding any
210 other law or ordinance to the contrary, in order to expand the
211 availability of affordable housing in this state, any
212 residential manufactured building that is certified under this
213 chapter by the department may not be denied a building permit
214 for placement ~~be placed~~ on a mobile home lot in a mobile home
215 park, on any lot in a recreational vehicle park, or in a mobile
216 home condominium, cooperative, or subdivision. Any such housing
217 unit placed on a mobile home lot is a mobile home for purposes
218 of chapter 723 and, therefore, all rights, obligations, and
219 duties under chapter 723 apply, including the specifics of the
220 prospectus. However, a housing unit subject to this section may
221 not be placed on a mobile home lot without the prior written
222 approval of the park owner. Any such housing unit must continue
223 to meet all requirements associated with the permit allocation
224 system of the Florida Keys Area of Critical State Concern
225 designated pursuant to s. 380.0552. Each housing unit located on

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226 a mobile home lot and subject to this section shall be taxed as
227 a mobile home under s. 320.08(11) and is subject to payments to
228 the Florida Mobile Home Relocation Fund under s. 723.06116.

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

231 553.385 Zoning of off-site constructed residential
232 dwelling; parity.—

233 (1) As used in this section, the term:

234 (a) "Local government" means a county or municipality.

235 (b) "Off-site constructed residential dwelling" means:

236 1. A manufactured building, as defined in s. 553.36,
237 intended for single-family residential use; or

238 2. A manufactured home, as defined in s. 320.01(2)(b),

239
240 which is constructed, in whole or in part, off site and is
241 treated as real property.

242 (2)(a) An off-site constructed residential dwelling must
243 be permitted as of right in any zoning district where single-
244 family detached dwellings are allowed.

245 (b) A local government may not adopt or enforce any
246 zoning, land use, or development regulation that treats an off-
247 site constructed residential dwelling differently or more
248 restrictively than a single-family, site-built dwelling allowed
249 in the same zoning district.

250 (c) This section does not prohibit a local government from

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251 applying generally applicable architectural, aesthetic, design,
252 setback, height, or bulk standards, provided such standards are
253 applied uniformly to all single-family dwellings in the same
254 zoning district.

255 (d) Compatibility or design standards must be reasonable,
256 may not have the effect of excluding off-site constructed
257 residential dwellings, and, if adopted, must apply equally to
258 single-family, site-built dwellings. Such standards are limited
259 to:

- 260 1. Roof pitch.
- 261 2. Minimum square footage of livable space.
- 262 3. Type and quality of exterior finishing materials.
- 263 4. Foundation enclosure.
- 264 5. Existence and type of attached structures.
- 265 6. Building setbacks, lot dimensions, and orientation.

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

- 268 1. The method of construction;
- 269 2. The location of construction; or
- 270 3. The presence of components constructed off site.

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

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276 off-site constructed residential dwellings.

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

279 Section 9. Except as otherwise expressly provided in this
280 act, this act shall take effect upon becoming a law.