

ENROLLED

CS/CS/CS/HB 399, Engrossed 2

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;

ENROLLED

CS/CS/CS/HB 399, Engrossed 2

2026 Legislature

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

ENROLLED

CS/CS/CS/HB 399, Engrossed 2

2026 Legislature

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:

ENROLLED

CS/CS/CS/HB 399, Engrossed 2

2026 Legislature

76 | 125.022 Development permits and orders.—

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

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

87 | 166.033 Development permits and orders.—

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

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

98 | 163.31777 Public schools interlocal agreement.—

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

ENROLLED

CS/CS/CS/HB 399, Engrossed 2

2026 Legislature

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.

ENROLLED

CS/CS/CS/HB 399, Engrossed 2

2026 Legislature

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,

ENROLLED

CS/CS/CS/HB 399, Engrossed 2

2026 Legislature

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

ENROLLED

CS/CS/CS/HB 399, Engrossed 2

2026 Legislature

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.

ENROLLED

CS/CS/CS/HB 399, Engrossed 2

2026 Legislature

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

ENROLLED

CS/CS/CS/HB 399, Engrossed 2

2026 Legislature

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  dwellings; 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 which is constructed, in whole or in part, off site and is  
 240 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

ENROLLED

CS/CS/CS/HB 399, Engrossed 2

2026 Legislature

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

ENROLLED

CS/CS/CS/HB 399, Engrossed 2

2026 Legislature

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.