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1
2 An act relating to local government land regulation;
3 amending s. 125.022, F.S.; requiring counties to
4 specify minimum information necessary for certain
5 applications; revising timeframes for processing
6 applications for approval of development permits or
7 development orders; defining the term "substantive
8 change"; providing refund parameters in situations
9 where the county fails to meet certain timeframes;
10 providing exceptions; amending s. 163.3180, F.S.;
11 prohibiting a school district from collecting,
12 charging, or imposing certain fees unless they meet
13 certain requirements; providing a standard of review
14 for actions challenging such fees; amending s. 553.80,
15 F.S.; specifying certain purposes for which local
16 governments may use certain fees to carry out
17 activities relating to obtaining or finalizing a
18 building permit; amending s. 163.31801, F.S.; revising
19 the voting threshold required for approval of certain
20 impact fee increase ordinances by local governments,
21 school districts, and special districts; requiring
22 that certain impact fee increases be implemented in
23 specified increments; prohibiting a local government
24 from increasing an impact fee rate beyond certain
25 phase-in limitations under certain circumstances;
26 deleting retroactive applicability; amending s.
27 163.3184, F.S.; providing that if comprehensive plan
28 amendments are not adopted at a specified hearing,
29 such amendments must be formally adopted within a

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30 certain time period or they are deemed withdrawn;
31 increasing the time period within which comprehensive
32 plan amendments must be transmitted; amending s.
33 166.033, F.S.; requiring municipalities to specify
34 minimum information necessary for certain
35 applications; revising timeframes for processing
36 applications for approval of development permits or
37 development orders; defining the term "substantive
38 change"; providing refund parameters in situations
39 where the municipality fails to meet certain
40 timeframes; providing exceptions; providing effective
41 dates.

42
43 Be It Enacted by the Legislature of the State of Florida:

44
45 Section 1. Section 125.022, Florida Statutes, is amended to
46 read:

47 125.022 Development permits and orders.—

48 (1) A county shall specify in writing the minimum
49 information that must be submitted in an application for a
50 zoning approval, rezoning approval, subdivision approval,
51 certification, special exception, or variance. A county shall
52 make the minimum information available for inspection and
53 copying at the location where the county receives applications
54 for development permits and orders, provide the information to
55 the applicant at a preapplication meeting, or post the
56 information on the county's website.

57 (2) Within 5 business days after receiving an application
58 for approval of a development permit or development order, a

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59 county shall confirm receipt of the application using contact
60 information provided by the applicant. Within 30 days after
61 receiving an application for approval of a development permit or
62 development order, a county must review the application for
63 completeness and issue a written notification to the applicant
64 ~~letter~~ indicating that all required information is submitted or
65 specify in writing ~~specifying~~ with particularity any areas that
66 are deficient. If the application is deficient, the applicant
67 has 30 days to address the deficiencies by submitting the
68 required additional information. For applications that do not
69 require final action through a quasi-judicial hearing or a
70 public hearing, the county must approve, approve with
71 conditions, or deny the application for a development permit or
72 development order within 120 days after the county has deemed
73 the application complete., ~~or 180 days~~ For applications that
74 require final action through a quasi-judicial hearing or a
75 public hearing, the county must approve, approve with
76 conditions, or deny the application for a development permit or
77 development order within 180 days after the county has deemed
78 the application complete. Both parties may agree in writing or
79 in a public meeting or hearing ~~to a reasonable request for an~~
80 extension of time, particularly in the event of a force majeure
81 or other extraordinary circumstance. An approval, approval with
82 conditions, or denial of the application for a development
83 permit or development order must include written findings
84 supporting the county's decision. The timeframes contained in
85 this subsection do not apply in an area of critical state
86 concern, as designated in s. 380.0552. The timeframes contained
87 in this subsection restart if an applicant makes a substantive

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88 change to the application. As used in this subsection, the term
89 "substantive change" means an applicant-initiated change of 15
90 percent or more in the proposed density, intensity, or square
91 footage of a parcel.

92 (3) (a) ~~(2) (a)~~ When reviewing an application for a
93 development permit or development order that is certified by a
94 professional listed in s. 403.0877, a county may not request
95 additional information from the applicant more than three times,
96 unless the applicant waives the limitation in writing.

97 (b) If a county makes a request for additional information
98 and the applicant submits the required additional information
99 within 30 days after receiving the request, the county must
100 review the application for completeness and issue a letter
101 indicating that all required information has been submitted or
102 specify with particularity any areas that are deficient within
103 30 days after receiving the additional information.

104 (c) If a county makes a second request for additional
105 information and the applicant submits the required additional
106 information within 30 days after receiving the request, the
107 county must review the application for completeness and issue a
108 letter indicating that all required information has been
109 submitted or specify with particularity any areas that are
110 deficient within 10 days after receiving the additional
111 information.

112 (d) Before a third request for additional information, the
113 applicant must be offered a meeting to attempt to resolve
114 outstanding issues. If a county makes a third request for
115 additional information and the applicant submits the required
116 additional information within 30 days after receiving the

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request, the county must deem the application complete within 10 days after receiving the additional information or proceed to process the application for approval or denial unless the applicant waived the county's limitation in writing as described in paragraph (a).

(e) Except as provided in subsection (7) ~~(5)~~, if the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the county, at the applicant's request, shall proceed to process the application for approval or denial.

(4) A county must issue a refund to an applicant equal to:

(a) Ten percent of the application fee if the county fails to issue written notification of completeness or written specification of areas of deficiency within 30 days after receiving the application.

(b) Ten percent of the application fee if the county fails to issue a written notification of completeness or written specification of areas of deficiency within 30 days after receiving the additional information pursuant to paragraph (3) (b).

(c) Twenty percent of the application fee if the county fails to issue a written notification of completeness or written specification of areas of deficiency within 10 days after receiving the additional information pursuant to paragraph (3) (c).

(d) Fifty percent of the application fee if the county fails to approve, approves with conditions, or denies the application within 30 days after conclusion of the 120-day or 180-day timeframe specified in subsection (2).

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146 (e) One hundred percent of the application fee if the
147 county fails to approve, approves with conditions, or denies an
148 application 31 days or more after conclusion of the 120-day or
149 180-day timeframe specified in subsection (2).

150
151 A county is not required to issue a refund if the applicant and
152 the county agree to an extension of time, the delay is caused by
153 the applicant, or the delay is attributable to a force majeure
154 or other extraordinary circumstance.

155 (5)~~(3)~~ When a county denies an application for a
156 development permit or development order, the county shall give
157 written notice to the applicant. The notice must include a
158 citation to the applicable portions of an ordinance, rule,
159 statute, or other legal authority for the denial of the permit
160 or order.

161 (6)~~(4)~~ As used in this section, the terms "development
162 permit" and "development order" have the same meaning as in s.
163 163.3164, but do not include building permits.

164 (7)~~(5)~~ For any development permit application filed with
165 the county after July 1, 2012, a county may not require as a
166 condition of processing or issuing a development permit or
167 development order that an applicant obtain a permit or approval
168 from any state or federal agency unless the agency has issued a
169 final agency action that denies the federal or state permit
170 before the county action on the local development permit.

171 (8)~~(6)~~ Issuance of a development permit or development
172 order by a county does not in any way create any rights on the
173 part of the applicant to obtain a permit from a state or federal
174 agency and does not create any liability on the part of the

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175 county for issuance of the permit if the applicant fails to
176 obtain requisite approvals or fulfill the obligations imposed by
177 a state or federal agency or undertakes actions that result in a
178 violation of state or federal law. A county shall attach such a
179 disclaimer to the issuance of a development permit and shall
180 include a permit condition that all other applicable state or
181 federal permits be obtained before commencement of the
182 development.

183 (9)~~(7)~~ This section does not prohibit a county from
184 providing information to an applicant regarding what other state
185 or federal permits may apply.

186 Section 2. Present paragraph (j) of subsection (6) of
187 section 163.3180, Florida Statutes, is redesignated as paragraph
188 (k), and a new paragraph (j) is added to that subsection, to
189 read:

190 163.3180 Concurrency.—

191 (6)

192 (j) A school district may not collect, charge, or impose
193 any alternative fee in lieu of an impact fee to mitigate the
194 impact of development on educational facilities unless such fee
195 meets the requirements of s. 163.3180(4)(f) and (g). In any
196 action challenging a fee under this paragraph, the school
197 district has the burden of proving by a preponderance of the
198 evidence that the imposition and amount of the fee meet the
199 requirements of state legal precedent.

200 Section 3. Paragraph (a) of subsection (7) of section
201 553.80, Florida Statutes, is amended to read:

202 553.80 Enforcement.—

203 (7) (a) The governing bodies of local governments may

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204 provide a schedule of reasonable fees, as authorized by s.
205 125.56(2) or s. 166.222 and this section, for enforcing this
206 part. These fees, and any fines or investment earnings related
207 to the fees, may only be used for carrying out the local
208 government's responsibilities in enforcing the Florida Building
209 Code, including, but not limited to, any process or enforcement
210 related to obtaining or finalizing a building permit. When
211 providing a schedule of reasonable fees, the total estimated
212 annual revenue derived from fees, and the fines and investment
213 earnings related to the fees, may not exceed the total estimated
214 annual costs of allowable activities. Any unexpended balances
215 must be carried forward to future years for allowable activities
216 or must be refunded at the discretion of the local government. A
217 local government may not carry forward an amount exceeding the
218 average of its operating budget for enforcing the Florida
219 Building Code for the previous 4 fiscal years. For purposes of
220 this subsection, the term "operating budget" does not include
221 reserve amounts. Any amount exceeding this limit must be used as
222 authorized in subparagraph 2. However, a local government that
223 established, as of January 1, 2019, a Building Inspections Fund
224 Advisory Board consisting of five members from the construction
225 stakeholder community and carries an unexpended balance in
226 excess of the average of its operating budget for the previous 4
227 fiscal years may continue to carry such excess funds forward
228 upon the recommendation of the advisory board. The basis for a
229 fee structure for allowable activities must relate to the level
230 of service provided by the local government and must include
231 consideration for refunding fees due to reduced services based
232 on services provided as prescribed by s. 553.791, but not

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provided by the local government. Fees charged must be consistently applied.

1. As used in this subsection, the phrase "enforcing the Florida Building Code" includes the direct costs and reasonable indirect costs associated with review of building plans, building inspections, reinspections, and building permit processing; building code enforcement; and fire inspections associated with new construction. The phrase may also include training costs associated with the enforcement of the Florida Building Code and enforcement action pertaining to unlicensed contractor activity to the extent not funded by other user fees.

2. A local government must use any excess funds that it is prohibited from carrying forward to rebate and reduce fees, to upgrade technology hardware and software systems to enhance service delivery, to pay for the construction of a building or structure that houses a local government's building code enforcement agency, or for training programs for building officials, inspectors, or plans examiners associated with the enforcement of the Florida Building Code. Excess funds used to construct such a building or structure must be designated for such purpose by the local government and may not be carried forward for more than 4 consecutive years. An owner or builder who has a valid building permit issued by a local government for a fee, or an association of owners or builders located in the state that has members with valid building permits issued by a local government for a fee, may bring a civil action against the local government that issued the permit for a fee to enforce this subparagraph.

3. The following activities may not be funded with fees

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adopted for enforcing the Florida Building Code:

a. Planning and zoning or other general government activities not related to obtaining a building permit.

b. Inspections of public buildings for a reduced fee or no fee.

c. Public information requests, community functions, boards, and any program not directly related to enforcement of the Florida Building Code.

d. Enforcement and implementation of any other local ordinance, excluding validly adopted local amendments to the Florida Building Code and excluding any local ordinance directly related to enforcing the Florida Building Code as defined in subparagraph 1.

4. A local government must use recognized management, accounting, and oversight practices to ensure that fees, fines, and investment earnings generated under this subsection are maintained and allocated or used solely for the purposes described in subparagraph 1.

5. The local enforcement agency, independent district, or special district may not require at any time, including at the time of application for a permit, the payment of any additional fees, charges, or expenses associated with:

a. Providing proof of licensure under chapter 489;

b. Recording or filing a license issued under this chapter;

c. Providing, recording, or filing evidence of workers' compensation insurance coverage as required by chapter 440; or

d. Charging surcharges or other similar fees not directly related to enforcing the Florida Building Code.

Section 4. Effective January 1, 2026, paragraphs (g) and

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(h) of subsection (6) of section 163.31801, Florida Statutes,
are amended to read:

163.31801 Impact fees; short title; intent; minimum
requirements; audits; challenges.—

(6) A local government, school district, or special
district may increase an impact fee only as provided in this
subsection.

(g)1. A local government, school district, or special
district may increase an impact fee rate beyond the phase-in
limitations established under paragraph (b), paragraph (c),
paragraph (d), or paragraph (e) by establishing the need for
such increase in full compliance with the requirements of
subsection (4), provided the following criteria are met:

a.1. A demonstrated-need study justifying any increase in
excess of those authorized in paragraph (b), paragraph (c),
paragraph (d), or paragraph (e) has been completed within the 12
months before the adoption of the impact fee increase and
expressly demonstrates the extraordinary circumstances
necessitating the need to exceed the phase-in limitations.

b.2. The local government jurisdiction has held at least
~~not less than~~ two publicly noticed workshops dedicated to the
extraordinary circumstances necessitating the need to exceed the
phase-in limitations set forth in paragraph (b), paragraph (c),
paragraph (d), or paragraph (e).

c.3. The impact fee increase ordinance is approved by ~~at~~
~~least~~ a unanimous ~~two-thirds~~ vote of the governing body.

2. An impact fee increase approved under this paragraph
must be implemented in at least two but not more than four equal
annual increments beginning with the date on which the impact

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fee increase ordinance is adopted.

3. A local government may not increase an impact fee rate beyond the phase-in limitations under this paragraph if the local government has not increased the impact fee within the past 5 years. Any year in which the local government is prohibited from increasing an impact fee because the jurisdiction is in a hurricane disaster area is not included in the 5-year period.

~~(h) This subsection operates retroactively to January 1, 2021.~~

Section 5. Paragraphs (b) and (c) of subsection (3) of section 163.3184, Florida Statutes, are amended to read:

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

(3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS.—

(b)1. If a plan amendment or amendments are adopted, the local government, after the initial public hearing held pursuant to subsection (11), shall transmit, within 10 working days after the date of adoption, the amendment or amendments and appropriate supporting data and analyses to the reviewing agencies. The local governing body shall also transmit a copy of the amendments and supporting data and analyses to any other local government or governmental agency that has filed a written request with the governing body.

2. The reviewing agencies and any other local government or governmental agency specified in subparagraph 1. may provide comments regarding the amendment or amendments to the local government. State agencies shall only comment on important state

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resources and facilities that will be adversely impacted by the amendment if adopted. Comments provided by state agencies shall state with specificity how the plan amendment will adversely impact an important state resource or facility and shall identify measures the local government may take to eliminate, reduce, or mitigate the adverse impacts. Such comments, if not resolved, may result in a challenge by the state land planning agency to the plan amendment. Agencies and local governments must transmit their comments to the affected local government such that they are received by the local government not later than 30 days after the date on which the agency or government received the amendment or amendments. Reviewing agencies shall also send a copy of their comments to the state land planning agency.

3. Comments to the local government from a regional planning council, county, or municipality shall be limited as follows:

a. The regional planning council review and comments shall be limited to adverse effects on regional resources or facilities identified in the strategic regional policy plan and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. A regional planning council may not review and comment on a proposed comprehensive plan amendment prepared by such council unless the plan amendment has been changed by the local government subsequent to the preparation of the plan amendment by the regional planning council.

b. County comments shall be in the context of the relationship and effect of the proposed plan amendments on the

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county plan.

c. Municipal comments shall be in the context of the relationship and effect of the proposed plan amendments on the municipal plan.

d. Military installation comments shall be provided in accordance with s. 163.3175.

4. Comments to the local government from state agencies shall be limited to the following subjects as they relate to important state resources and facilities that will be adversely impacted by the amendment if adopted:

a. The Department of Environmental Protection shall limit its comments to the subjects of air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, and conservation easements; solid waste; water and wastewater treatment; and the Everglades ecosystem restoration.

b. The Department of State shall limit its comments to the subjects of historic and archaeological resources.

c. The Department of Transportation shall limit its comments to issues within the agency's jurisdiction as it relates to transportation resources and facilities of state importance.

d. The Fish and Wildlife Conservation Commission shall limit its comments to subjects relating to fish and wildlife habitat and listed species and their habitat.

e. The Department of Agriculture and Consumer Services shall limit its comments to the subjects of agriculture, forestry, and aquaculture issues.

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f. The Department of Education shall limit its comments to the subject of public school facilities.

g. The appropriate water management district shall limit its comments to flood protection and floodplain management, wetlands and other surface waters, and regional water supply.

h. The state land planning agency shall limit its comments to important state resources and facilities outside the jurisdiction of other commenting state agencies and may include comments on countervailing planning policies and objectives served by the plan amendment that should be balanced against potential adverse impacts to important state resources and facilities.

(c)1. The local government shall hold a second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments pursuant to subsection (11). If the local government fails, within 180 days after receipt of agency comments, to hold the second public hearing, ~~and to adopt the comprehensive plan amendments,~~ the amendments are deemed withdrawn unless extended by agreement with notice to the state land planning agency and any affected person that provided comments on the amendment. If the amendments are not adopted at the second public hearing, the amendments shall be formally adopted by the local government within 180 days after the second public hearing is held or the amendments are deemed withdrawn ~~The 180-day limitation does not apply to amendments processed pursuant to s. 380.06.~~

2. All comprehensive plan amendments adopted by the governing body, along with the supporting data and analysis, shall be transmitted within 30 ~~10~~ working days after the final

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adoption hearing to the state land planning agency and any other agency or local government that provided timely comments under subparagraph (b)2. If the local government fails to transmit the comprehensive plan amendments within 30 ~~40~~ working days after the final adoption hearing, the amendments are deemed withdrawn.

3. The state land planning agency shall notify the local government of any deficiencies within 5 working days after receipt of an amendment package. For purposes of completeness, an amendment shall be deemed complete if it contains a full, executed copy of:

a. The adoption ordinance or ordinances;

b. In the case of a text amendment, the amended language in legislative format with new words inserted in the text underlined, and words deleted stricken with hyphens;

c. In the case of a future land use map amendment, the future land use map clearly depicting the parcel, its existing future land use designation, and its adopted designation; and

d. Any data and analyses the local government deems appropriate.

4. An amendment adopted under this paragraph does not become effective until 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

Section 6. Section 166.033, Florida Statutes, is amended to read:

166.033 Development permits and orders.—

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(1) A municipality shall specify in writing the minimum information that must be submitted for an application for a zoning approval, rezoning approval, subdivision approval, certification, special exception, or variance. A municipality shall make the minimum information available for inspection and copying at the location where the municipality receives applications for development permits and orders, provide the information to the applicant at a preapplication meeting, or post the information on the municipality's website.

(2) Within 5 business days after receiving an application for approval of a development permit or development order, a municipality shall confirm receipt of the application using contact information provided by the applicant. Within 30 days after receiving an application for approval of a development permit or development order, a municipality must review the application for completeness and issue a written notification to the applicant ~~letter~~ indicating that all required information is submitted or specify in writing ~~specifying~~ with particularity 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. For applications that do not require final action through a quasi-judicial hearing or a public hearing, the municipality must approve, approve with conditions, or deny the application for a development permit or development order within 120 days after the municipality has deemed the application complete. ~~, or 180 days~~ For applications that require final action through a quasi-judicial hearing or a public hearing, the municipality must approve, approve with conditions, or deny the application for a

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development permit or development order within 180 days after
the municipality has deemed the application complete. Both
parties may agree in writing or in a public meeting or hearing
to ~~a reasonable request for~~ an extension of time, particularly
in the event of a force majeure or other extraordinary
circumstance. An approval, approval with conditions, or denial
of the application for a development permit or development order
must include written findings supporting the municipality's
decision. The timeframes contained in this subsection do not
apply in an area of critical state concern, as designated in s.
380.0552 or chapter 28-36, Florida Administrative Code. The
timeframes contained in this subsection restart if an applicant
makes a substantive change to the application. As used in this
subsection, the term "substantive change" means an applicant-
initiated change of 15 percent or more in the proposed density,
intensity, or square footage of a parcel.

(3)(a)-(2)-(a) When reviewing an application for a
development permit or development order that is certified by a
professional listed in s. 403.0877, a municipality may not
request additional information from the applicant more than
three times, unless the applicant waives the limitation in
writing.

(b) If a municipality makes a request for additional
information and the applicant submits the required additional
information within 30 days after receiving the request, the
municipality must review the application for completeness and
issue a letter indicating that all required information has been
submitted or specify with particularity any areas that are
deficient within 30 days after receiving the additional

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information.

(c) If a municipality makes a second request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the municipality must review the application for completeness and issue a letter indicating that all required information has been submitted or specify with particularity any areas that are deficient within 10 days after receiving the additional information.

(d) Before a third request for additional information, the applicant must be offered a meeting to attempt to resolve outstanding issues. If a municipality makes a third request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the municipality must deem the application complete within 10 days after receiving the additional information or proceed to process the application for approval or denial unless the applicant waived the municipality's limitation in writing as described in paragraph (a).

(e) Except as provided in subsection (7) ~~(5)~~, if the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the municipality, at the applicant's request, shall proceed to process the application for approval or denial.

(4) A municipality must issue a refund to an applicant equal to:

(a) Ten percent of the application fee if the municipality fails to issue written notification of completeness or written specification of areas of deficiency within 30 days after

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receiving the application.

(b) Ten percent of the application fee if the municipality fails to issue written notification of completeness or written specification of areas of deficiency within 30 days after receiving the additional information pursuant to paragraph (3) (b) .

(c) Twenty percent of the application fee if the municipality fails to issue written notification of completeness or written specification of areas of deficiency within 10 days after receiving the additional information pursuant to paragraph (3) (c) .

(d) Fifty percent of the application fee if the municipality fails to approve, approves with conditions, or denies the application within 30 days after conclusion of the 120-day or 180-day timeframe specified in subsection (2) .

(e) One hundred percent of the application fee if the municipality fails to approve, approves with conditions, or denies an application 31 days or more after conclusion of the 120-day or 180-day timeframe specified in subsection (2) .

A municipality is not required to issue a refund if the applicant and the municipality agree to an extension of time, the delay is caused by the applicant, or the delay is attributable to a force majeure or other extraordinary circumstance.

(5) ~~(3)~~ When a municipality denies an application for a development permit or development order, the municipality shall give written notice to the applicant. The notice must include a citation to the applicable portions of an ordinance, rule,

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statute, or other legal authority for the denial of the permit or order.

(6)~~(4)~~ As used in this section, the terms "development permit" and "development order" have the same meaning as in s. 163.3164, but do not include building permits.

(7)~~(5)~~ For any development permit application filed with the municipality after July 1, 2012, a municipality may not require as a condition of processing or issuing a development permit or development order that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued a final agency action that denies the federal or state permit before the municipal action on the local development permit.

(8)~~(6)~~ Issuance of a development permit or development order by a municipality does not create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. A municipality shall attach such a disclaimer to the issuance of development permits and shall include a permit condition that all other applicable state or federal permits be obtained before commencement of the development.

(9)~~(7)~~ This section does not prohibit a municipality from providing information to an applicant regarding what other state or federal permits may apply.

Section 7. Except as otherwise expressly provided in this

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610 act, this act shall take effect October 1, 2025.