

THE FLORIDA SENATE
2026 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/CS/CS/HB 399 — Land Use and Development Regulations

by State Affairs Committee; Housing, Agriculture & Tourism Subcommittee; Intergovernmental Affairs Subcommittee; and Rep. Borrero (CS/CS/SB 208 by Rules Committee; Judiciary Committee; and Senator McClain)

The bill includes a variety of provisions related to land use and development regulations.

Specifically related to fees and compatibility, effective January 1, 2027, the bill:

- Requires local governments to charge development permit and development order application fees that reasonably relate to the costs associated with the review, processing, and final disposition of applications.
- Requires local governments' interlocal agreements with school districts to address reasonable access to public easements and rights-of-way necessary for public school facilities.
- Requires local government comprehensive plans and land development regulations to include factors for assessing the compatibility of allowable residential uses within a residential zoning district and future land use category.
- Requires land development regulations to incorporate objective design standards or other measures for mitigating or minimizing potential incompatibility.
- Requires local government staff to identify specific areas of incompatibility, and authorizes staff to recommend mitigation measures to applicants, before recommending denial of rezoning, subdivision, or site plan approval applications on compatibility grounds.
- Prohibits local governments from denying an application on compatibility grounds unless the denial includes written findings identifying areas of incompatibility and concluding that proposed mitigation measures are inadequate and no feasible mitigation measures exist.
- Provides for the placement of manufactured housing on any lot in a recreational vehicle park.
- Provides for parity in regulations for off-site constructed residential dwellings (compared to on-site construction) in local government zoning, land use, and development regulations.

The bill also:

- Requires local governments to approve an application, without a public hearing or further local action, for a minor special exception or variance submitted for the maintenance, modification, or refurbishment of certain structures on properties identified as "large destination resorts," public lodging establishments comprised of 5 acres and 500 guest rooms with an average occupancy of at least 70 percent over the preceding 3 years. These provisions expire July 1, 2031.
- Prohibits a local government from conditioning a permit or other approval for a compost processing facility on a requirement to purchase additional property to expand a privately owned road, or revoking an existing permit for a compost processing facility regulated

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through and in compliance with regulations adopted as rules by a state department or statewide or regional water management plan.

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

Vote: Senate 27-11; House 73-27