By Senator McClain

9-01071-26 2026948__

A bill to be entitled

An act relating to local government land development regulations and orders; amending ss. 125.022 and 166.033, F.S.; revising, for counties and municipalities, respectively, the application procedures for development permits and orders; creating s. 163.3254, F.S.; creating the "Florida Starter Homes Act"; providing a short title; providing legislative findings; defining terms; prohibiting local governments from adopting land development regulations governing lots on residential real property unless such adoption meets specified requirements; providing applicability; providing construction; prohibiting local governments from adopting certain land development regulations if a lot on residential real property is connected to a public water system or a public sewer system; requiring that land development regulations adopted by a local government allow lots to front or abut a shared space instead of a public right-of-way; prohibiting such regulations from requiring a minimum number of parking spaces for specified lots; defining the term "public transit stop"; limiting the criteria that may be required by local governments in applications for the proposed development of lot splits; establishing an application process for such proposed developments; prohibiting land development regulations adopted by local governments governing lot splits on historic property from varying from other specified

regulations; providing an exception; establishing a cause of action; authorizing the award of specified remedies; providing for waiver of sovereign immunity; providing construction; amending s. 177.071, F.S.; revising the application procedures for administrative approval of plats or replats; providing an effective date.

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

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

125.022 Development permits and orders.—

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

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

(3) A county shall follow the application procedures established in s. 163.3254(6) upon receiving an application for approval of a development permit or development order.

~~(2) Within 5 business days after receiving an application~~

~~for approval of a development permit or development order, a county 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 county must review the application for completeness and issue a written notification to the applicant indicating that all required information is submitted or specify in writing 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 county must approve, approve with conditions, or deny the application for a development permit or development order within 120 days after the county has deemed the application complete. 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 within 180 days after the county has deemed the application complete. Both parties may agree in writing or in a public meeting or hearing to 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 county's decision. The timeframes contained in this subsection do not apply in an area of critical state concern, as designated in s. 380.0552. 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) When reviewing an application for a development permit or development order that is certified by a professional listed in s. 403.0877, a county may not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing.~~

~~(b) If a county makes a request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the county 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 information.~~

~~(c) If a county makes a second request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the county 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 county makes a third request for additional information and the applicant submits the required additional information within 30 days after receiving the~~

~~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).~~

~~(c) Except as provided in subsection (7), 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).~~

~~(c) One hundred percent of the application fee if the county 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 county is not required to issue a refund if the applicant and the county 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.~~

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

~~(6) 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.~~

(5)~~(7)~~ For any development permit application filed with the county after July 1, 2012, a county 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 county action on the local development permit.

(6)~~(8)~~ Issuance of a development permit or development order by a county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county 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 county shall attach such a disclaimer to the issuance of a development permit and shall include a permit condition that all other applicable state or federal permits be obtained before commencement of the development.

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

Section 2. Section 166.033, Florida Statutes, is amended to read:

166.033 Development permits and orders.—

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

(2)~~(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.

(3) A municipality shall follow the application procedures established in s. 163.3254(6) upon receiving an application for approval of a development permit or development order.

~~(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 indicating that all required information is submitted or specify in writing 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. 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 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 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) 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 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).~~

~~(c) Except as provided in subsection (7), 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 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).~~

~~(c) 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.~~

(4) ~~(5)~~ 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, statute, or other legal authority for the denial of the permit or order.

~~(6) 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.~~

(5) ~~(7)~~ 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.

(6)~~(8)~~ 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.

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

Section 3. Section 163.3254, Florida Statutes, is created to read:

163.3254 Florida Starter Homes Act.—The Florida Starter Homes Act is created to address the rising price of homes in this state and increase the supply of housing for the residents of this state.

(1) This section may be cited as the "Florida Starter Homes Act."

(2) The Legislature finds that:

(a) The median price of homes in this state has increased steadily over the last decade, rising at a greater rate of increase than the median income in this state.

(b) The cost of home ownership and renting or leasing often

exceeds an amount that is affordable for residents of this state.

(c) There is currently a housing shortage that constitutes a threat to the health, safety, and welfare of the residents of this state, and this shortage is caused in part by land development regulations adopted by local governments without a compelling governmental interest relating to lots on residential real property, which substantially burden the basic right under the State Constitution to acquire, possess, and protect property.

(d) Land development regulations adopted relating to lots on residential real property do not encourage a high degree of flexibility relating to residential development, and such regulations prevent the development of single-family homes on lots smaller in size, due, in part, to minimum lot size requirements and restrictions on the types of dwellings allowed to be constructed on such property.

(e) The public purpose sought to be achieved by allowing other types of dwelling units on lots smaller in size on residential real property is to increase the supply of housing, making homeownership and renting more affordable for the residents of this state.

(3) For purposes of this section, the term:

(a) "Compelling governmental interest" means a governmental interest of the highest order which cannot be achieved through less restrictive means. A compelling governmental interest must have a real and substantial connection to protecting public safety, health, or reasonable enjoyments and expectations of property, such as requiring the structural integrity, safe

plumbing, or safe electricity of buildings, or preventing nuisances.

(b) "Land development regulations" has the same meaning as in s. 163.3164.

(c) "Local government" means any county, municipality, or special district.

(d) "Lot split" means the division of a parent parcel into no more than eight lots.

(e) "Parent parcel" means the original parcel from which subsequent lots are created.

(f) "Residential dwelling unit" means a structure or part of a structure used as a home, residence, or sleeping place by at least one person. The term includes a single-family home, a townhouse as defined in s. 481.203, and a duplex, triplex, or quadruplex, and their curtilage.

(g) "Shared space" means a driveway, an alley, or a common open space, such as a courtyard or pocket park.

(h) "Subdivision" means the division of a parent parcel into nine or more lots. The term includes streets, alleys, additions, and resubdivisions.

(4)(a)1. A local government may not adopt land development regulations that govern lots on residential real property, unless such adoption:

a. Is in furtherance of a compelling governmental interest.

b. Is the least restrictive means of furthering that compelling governmental interest.

2. Subparagraph 1. does not apply to land development regulations that:

a. Prevent or abate a nuisance.

b. Enforce the terms of a license, a permit, or an authorization.

c. Enforce any requirement imposed by federal law.

d. Is the result of a final, nonappealable judicial determination.

3. Any ambiguity in the adoption of land development regulations by a local government must be construed in favor of the basic right to acquire and possess land.

(b) If a lot on residential real property is connected to a public water system or a public sewer system, or will be connected to such a system as part of a subdivision plan, a local government may not adopt land development regulations that:

1. Require a minimum lot size that is greater than 1,200 square feet for an existing lot and for lots created by a lot split or subdivision.

2. Contain a provision defining a residential dwelling unit that is contrary to the definition in subsection (3).

3. Prohibit, limit, or otherwise restrict the development of residential dwelling units.

4. Require a minimum setback that is greater than: 0 feet from the sides; 10 feet from the rear; or 20 feet from the front, or 0 feet from the front if the lot fronts or abuts a shared space.

5. Require a minimum dimension of a lot, including its width or depth, to exceed 20 feet if the lot meets the relevant minimum lot size requirement.

6. Require more than 30 percent of lot area to be reserved for open space or permeable surface.

7. Require a maximum building height of less than three stories or 35 feet above grade or, if applicable, three stories or 35 feet above the base flood elevation established by the Federal Emergency Management Agency.

8. Require a maximum floor area ratio of less than 3.

9. Require the property owner to occupy the property.

10. Require a minimum size for a residential dwelling unit that is greater than the minimum size imposed by the Florida Building Code.

11. Require a maximum residential density, typically measured in dwelling units per acre, which is more restrictive than the requirements of this subsection.

(5)(a)1. Land development regulations adopted by a local government must allow a lot to front or abut a shared space instead of a public right-of-way. However, such regulations may not be adopted to require a minimum number of parking spaces greater than one per residential dwelling unit for lots that are 4,000 square feet or less, or any minimum number of parking spaces for lots within a one-half mile radius of a permanent public transit stop that is open for public use on or after July 1, 2026.

2. As used in subparagraph 1., the term "public transit stop" means a stop or station used for public purposes for transit services, including bus rapid transit services or commuter rail services, an intercity rail transportation system, or a rail system, as defined in s. 341.301. The term does not include people-mover systems in a public-use airport as defined by s. 332.004.

(b) Land development regulations adopted by a local

government which establish criteria for the application for, or approval of, the proposed development of a lot split are limited to the following:

1. The requirement that an applicant provide the relevant documentation and pay a fee for the cost of review of such documentation. Any other fee imposed on the application for, or approval of, a lot split is prohibited.

2. Required compliance with the local government's land development regulations that govern lots not created by a lot split.

3. The requirement that the parent parcel was not created by a lot split or subdivision during the previous 12 months.

(6)(a) Upon receipt of a development application, a local government shall confirm receipt of the application by the next business day using the contact information provided by the applicant. Within 7 business days after receiving an application, a local government shall review the application for completeness and issue a written notification to the applicant indicating that all required information is submitted or specify in writing with particularity any areas that are deficient. If the application is deficient, the applicant has 60 business days to address the deficiencies by submitting the required additional information. Within 7 business days after receipt of such information, a local government shall issue a written notification to the applicant indicating that all required information is submitted or specify in writing with particularity any areas that are deficient. A local government shall administratively approve an application within 20 business days after the local government has deemed the application

complete and no further action or approval by the local government is required. Any denial of the application must include written findings supporting the local government's decision. At any point during the timeframes specified in this subsection, an applicant may request, and a local government must grant, an extension of time for up to 60 business days. However, a local government may not request an extension of time or require an applicant to request an extension of time.

(b) If a local government fails to:

1. Issue a written notification of completeness or written specification of areas of deficiency within the first 7-business-day time period provided in paragraph (a);

2. Issue a written notification of completeness or written specification of areas of deficiency within the second 7-business-day time period provided in paragraph (a); or

3. Approve an application within the 20-business-day time period contained in paragraph (a),

the application is deemed approved, and the local government must issue written notification of approval by the next business day.

(c) A local government must issue a refund to an applicant equal to 100 percent of the application fee if the local government fails to issue written notification of completeness or written specification of areas of deficiency within 7 business days after receiving the additional information pursuant to paragraph (a).

(7)(a) Land development regulations adopted by a local government which govern lot splits on historic property as

defined in s. 267.021 may not vary from land development regulations adopted governing historic property without such lot splits.

(b) Paragraph (a) does not apply to land development regulations adopted to prohibit the demolition or alteration of a structure or building that is individually listed in the National Register of Historic Places, or that is a contributing structure or building within a historic district which was listed in the National Register of Historic Places before January 1, 2000.

(8)(a) A real property owner or housing association subject to land development regulations adopted by a local government in violation of this section may maintain a cause of action for damages in the county in which the property is located.

(b)1. In a proceeding under this subsection, an aggrieved or adversely affected party is entitled to the summary procedure provided in s. 51.011, and the court shall advance the cause on the calendar. The court shall review the evidence de novo and enter written findings of fact based on the preponderance of the evidence that a local government has adopted a land development regulation in violation of this section.

2. An aggrieved or adversely affected party shall prevail in an action filed under this subsection unless the local government demonstrates to the court by clear and convincing evidence that the land development regulation is:

a. In furtherance of a compelling governmental interest.

b. The least restrictive means of furthering the compelling governmental interest.

(c) The court may:

1. Enter a declaratory judgment as is provided by chapter 86.

2. Issue a writ of mandamus.

3. Issue an injunction to prevent a violation of this section.

4. Remand the matter to the land development regulation commission for action consistent with the judgment.

The prevailing plaintiff is entitled to recover reasonable attorney fees and costs, including reasonable appellate attorney fees and costs.

(9) This section waives sovereign immunity for any local government to the extent liability is created in this section.

(10) This section does not prohibit:

(a) The governing documents of a condominium association, a homeowners' association, or a cooperative adopted or approved before July 1, 2026.

(b) Any deed restrictions established before July 1, 2026.

However, if recorded in the official records on or after July 1, 2026, any such documents or restrictions are void and unenforceable to the extent that they conflict with this section.

Section 4. Subsection (3) of section 177.071, Florida Statutes, is amended to read:

177.071 Administrative approval of plats or replats by designated county or municipal official.—

(3) The governing body of a county or municipality shall follow the application procedures established in s. 163.3254(6)

upon receiving a plat or replat under this part ~~Unless the applicant requests an extension of time, the administrative authority shall approve, approve with conditions, or deny the plat or replat submittal within the timeframe identified in the written notice provided to the applicant under subsection (2). If the administrative authority does not approve the plat or replat, it must notify the applicant in writing of the reasons for declining to approve the submittal. The written notice must identify all areas of noncompliance and include specific citations to each requirement the plat or replat submittal fails to meet. The administrative authority, or an official, an employee, an agent, or a designee of the governing body, may not request or require the applicant to file a written extension of time~~.

Section 5. This act shall take effect July 1, 2026.