

State Bill Would Tighten Local Development Fee Rules and Limit Certain Land-Use Regulations

HB 399 – Rep. David Borrero (SB 208 - Sen. Stan McClain)

General Bill Summary

House Bill 399 makes multiple changes to Florida’s land-use and development regulatory framework affecting local governments. The bill establishes new requirements for development permit fees, land-use compatibility standards, comprehensive plan amendment procedures, and local regulation of certain housing and tourism facilities.

The bill requires that application fees for development permits or development orders charged by counties or municipalities be reasonably related to the direct and indirect costs of reviewing and processing the application. Local governments are prohibited from calculating these fees as a percentage of construction costs, project valuation, or site costs.

The legislation also requires local comprehensive plans and land development regulations to include factors for evaluating compatibility of residential uses and to incorporate objective design standards or mitigation measures to address potential incompatibility.

Additionally, the bill:

- Requires local governments to administratively approve certain minor special exceptions or variances for qualifying large destination resorts.
- Establishes requirements related to school district–local government interlocal agreements addressing access to easements and rights-of-way for school facilities.
- Clarifies that amendments to the future land-use element of a comprehensive plan must be adopted by a majority vote of the governing body present at the hearing.

The bill passed the House on March 3, 2026, and was transmitted to the Senate for consideration.

Potential County Impact

HB 399 directly affects county planning, development review, and land-use regulatory authority.

The fee provisions may require counties to review and potentially revise development permit fee structures to ensure fees are strictly tied to review costs rather than project value. Counties that currently use valuation-based or percentage-based fees may need to restructure fee schedules and publish cost-based calculations.

The bill also imposes additional procedural requirements on land-use compatibility reviews. County staff reviewing rezoning, subdivision, or site plan applications must identify specific incompatibilities and evaluate mitigation measures before recommending denial. Denials based on compatibility must include written findings explaining why proposed mitigation is inadequate. This could increase documentation and review workload for planning departments.

The legislation may limit local regulatory discretion in several areas. For example, counties must administratively approve certain minor variances or special exceptions for qualifying large destination resorts and cannot require additional quasi-judicial review for those requests.

Additionally, counties will need to update comprehensive plans and land development regulations to incorporate compatibility standards and design-based mitigation requirements.

Overall fiscal impacts on counties are indeterminate, but potential costs include administrative updates to ordinances, staff training, revised fee schedules, and increased documentation requirements for development review decisions.

Effective Date

- General effective date: Upon becoming law.
- Key provisions related to development permit fee limitations, school interlocal agreement requirements, and compatibility standards: January 1, 2027.

Primary Statutory References

- **s. 125.022, F.S.** – Development permits and orders (county fee requirements)
 - **s. 166.033, F.S.** – Development permits and orders (municipal fee requirements)
 - **s. 163.3164, F.S.** – Community Planning Act definitions (compatibility)
 - **s. 163.3177, F.S.** – Public school interlocal agreements
 - **s. 163.3184, F.S.** – Comprehensive plan amendment process
 - **s. 163.3202, F.S.** – Land development regulations
 - **s. 163.31803, F.S. (created)** – Large destination resorts
 - **s. 553.325, F.S.** – Placement of certain housing
 - **s. 553.385, F.S. (created)** – Off-site constructed residential dwellings
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