

<b>Tab 1</b>	<b>SB 962</b> by <b>Bradley</b> ; Identical to CS/H 00837 Affordable Housing
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The Florida Senate  
**COMMITTEE MEETING EXPANDED AGENDA**

**AGRICULTURE**  
**Senator Truenow, Chair**  
**Senator Grall, Vice Chair**

**MEETING DATE:** Tuesday, February 3, 2026  
**TIME:** 3:30—5:30 p.m.  
**PLACE:** 301 Senate Building

**MEMBERS:** Senator Truenow, Chair; Senator Grall, Vice Chair; Senators Bernard, Burton, and Rouson

AGRICULTURE			
TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 962</b> Bradley (Identical CS/H 837, Compare S 1548)	Affordable Housing; Revising the definitions of certain land use categories for which certain residential development may be authorized to exclude farms and farm operations and uses associated therewith, etc.  CA 01/27/2026 Favorable AG 02/03/2026 Favorable RC	Favorable Yeas 4 Nays 0

Other Related Meeting Documents

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Agriculture

BILL: SB 962

INTRODUCER: Senator Bradley

SUBJECT: Affordable Housing

DATE: February 2, 2026

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Fleming	CA	<b>Favorable</b>
2.	Stokes-Ramos	Becker	AG	<b>Favorable</b>
3.			RC	

**I. Summary:**

SB 962 provides that for the purposes of the Live Local Act, passed during the 2023 Regular Session, farms or farm operations, including the packaging and sale of those products raised on the premises, are excluded from the definitions of commercial, industrial, or mixed use zoning which would require the local government to approve certain affordable housing developments.

The bill takes effect July 1, 2026.

**II. Present Situation:**

**Zoning and Land Use Preemption for Affordable Developments**

The Growth Management Act requires every city and county to create and implement a comprehensive plan to guide future development.<sup>1</sup> All development, both public and private, and all development orders<sup>2</sup> approved by local governments must be consistent with the local government's comprehensive plan unless otherwise provided by law.<sup>3</sup> The Future Land Use Element in a comprehensive plan establishes a range of allowable uses and densities and

<sup>1</sup> Section 163.3167(2), F.S.

<sup>2</sup> "Development order" means any order granting, denying, or granting with conditions an application for a development permit. See s. 163.3164(15), F.S. "Development permit" includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land. See s. 163.3164(16), F.S.

<sup>3</sup> Section 163.3194(3), F.S.

intensities over large areas, and the specific use and intensities for specific parcels<sup>4</sup> within that range are decided by a more detailed, implementing zoning map.<sup>5</sup>

The Live Local Act<sup>6</sup> preempts certain county and municipal zoning and land use decisions to encourage development of affordable multifamily rental housing in targeted land use areas. Specifically, the act requires counties and municipalities to allow a multifamily or mixed-use residential<sup>7</sup> rental development in any area zoned for commercial, industrial, or mixed-use if the development meets certain affordability requirements.<sup>8</sup> To qualify, the proposed development must reserve 40 percent of the units for residents with incomes up to 120% of the area median income, for a period of at least 30 years.

***Commercial, Industrial, and Mixed Use***<sup>9</sup>

For the purposes of the Live Local Act, "commercial use" means activities associated with the sale, rental, or distribution of products or the performance of services related thereto. It includes, but is not limited to:

- Retail sales; wholesale sales; rentals of equipment, goods, or products;
- Offices; restaurants;
- Food service vendors; sports arenas; theaters; and tourist attractions; and
- Other for-profit business activities

A parcel that is zoned to permit these uses by right (without a variance or waiver) is considered commercial use for this statute, regardless of its local land development category or title. Excluded from commercial use are:

- Home-based businesses and cottage food operations on residential property;
- Certain public lodging establishments;
- Accessory, ancillary, incidental, or temporary uses; and
- Recreational uses (e.g., golf courses, tennis courts, swimming pools, clubhouses) when located within an area designated for residential use.

For the purposes of the Live Local Act, "industrial use" means activities associated with the manufacture, assembly, processing, or storage of products or the performance of related services. It includes, but is not limited to:

- Automobile manufacturing or repair; boat manufacturing or repair;
- Junk yards; meat packing facilities; citrus or produce processing and packing;
- Electrical generating plants; water treatment plants; sewage treatment plants; and

<sup>4</sup> When local governments make changes to their zoning regulations or comprehensive plans, some structures may no longer be in compliance with the newly approved zoning and may be deemed a "nonconforming use." A nonconforming use or structure is one in which the use or structure was legally permitted prior to a change in the law, and the change in law would no longer permit the re-establishment of such structure or use.

<sup>5</sup> Richard Grosso, A Guide to Development Order "Consistency" Challenges Under Florida Statutes Section 163.3215, 34 J. Envtl. L. & Litig. 129, 154 (2019) citing Brevard Cty. v. Snyder, 627 So. 2d 469, 475 (Fla. 1993).

<sup>6</sup> The "Live Local Act," Ch. 2023-17, Laws of Fla., made various changes to affordable housing related programs and policies at the state and local levels, including zoning and land use preemptions favoring affordable housing, funding for state affordable housing programs, and tax provisions intended to incentivize affordable housing development.

<sup>7</sup> For mixed-use residential, at least 65 percent of the total square footage must be used for residential purposes.

<sup>8</sup> See ss. 125.01055(7) and 166.04151(7), F.S.

<sup>9</sup> See s. 125.01055(7)(n), F.S.

- Solid waste disposal sites.

A parcel zoned to permit these uses by right is considered industrial use for the statute. The term does not include accessory, ancillary, incidental, or temporary uses, or the same set of recreational uses as above.

For the purposes of the Live Local Act, “mixed use” refers to any use that combines multiple types of approved land uses from at least two of the residential use, commercial use, and industrial use categories.<sup>10</sup> The commercial and industrial exclusions for accessory, ancillary, incidental, temporary, and recreational uses apply to mixed use as well.

### III. Effect of Proposed Changes:

The bill amends ss. 125.01055 and 166.04151, F.S., to provide that for the purposes of the Live Local Act, farms or farm operations, or uses associated therewith, to include the packaging and sale of those products raised on the premises, are excluded from the definitions of commercial, industrial, or mixed use.

The bill refers to s. 823.14(3), F.S., which provides that:

- “Farm” means the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm or aquaculture products; and
- “Farm operation” means all conditions or activities by the owner, lessee, agent, independent contractor, or supplier which occur on a farm in connection with the production of farm, honeybee, or apiculture products or in connection with complementary agritourism activities.

The referenced statute includes examples such as roadside stands, agritourism, and the use of certain farm-related machinery.

With this change, counties and municipalities are not required to authorize multifamily and mixed-use residential uses for an area if the area is also a farm or farm operation or utilized for uses associated therewith.

The bill takes effect July 1, 2026.

### IV. Constitutional Issues:

- Municipality/County Mandates Restrictions:  
None.
- Public Records/Open Meetings Issues:  
None.

<sup>10</sup> Section 125.01055(n)3., F.S.

### C. Trust Funds Restrictions:

None.

### D. State Tax or Fee Increases:

None.

### E. Other Constitutional Issues:

None.

### V. Fiscal Impact Statement:

#### A. Tax/Fee Issues:

None.

#### B. Private Sector Impact:

None.

#### C. Government Sector Impact:

None.

### VI. Technical Deficiencies:

None.

### VII. Related Issues:

None.

### VIII. Statutes Affected:

This bill substantially amends sections 125.01055 and 166.04151 of the Florida Statutes.

### IX. Additional Information:

#### A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

#### B. Amendments:

None.

By Senator Bradley

6-01401A-26

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A bill to be entitled

An act relating to affordable housing; amending ss. 125.01055 and 166.04151, F.S.; revising the definitions of certain land use categories for which certain residential development may be authorized to exclude farms and farm operations and uses associated therewith; providing an effective date.

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

Section 1. Paragraph (n) of subsection (7) of section 125.01055, Florida Statutes, is amended to read:

125.01055 Affordable housing.—

(7)

(n) As used in this subsection, the term:

1. "Commercial use" means activities associated with the sale, rental, or distribution of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as retail sales; wholesale sales; rentals of equipment, goods, or products; offices; restaurants; public lodging establishments as described in s. 509.242(1)(a); food service vendors; sports arenas; theaters; tourist attractions; and other for-profit business activities. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered commercial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include home-based businesses or cottage food operations undertaken on residential property; ~~or~~ public lodging

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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establishments as described in s. 509.242(1)(c); farms or farm operations as defined in s. 823.14(3) or uses associated therewith, including the packaging and sale of products raised on the premises; ~~or~~ or uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not commercial use, irrespective of how they are operated.

2. "Industrial use" means activities associated with the manufacture, assembly, processing, or storage of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as automobile manufacturing or repair, boat manufacturing or repair, junk yards, meat packing facilities, citrus processing and packing facilities, produce processing and packing facilities, electrical generating plants, water treatment plants, sewage treatment plants, and solid waste disposal sites. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered industrial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include farms or farm operations as defined in s. 823.14(3) or uses associated therewith, including the packaging and sale of products raised on the premises, or uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not industrial use,

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irrespective of how they are operated.

3. "Mixed use" means any use that combines multiple types of approved land uses from at least two of the residential use, commercial use, and industrial use categories. The term does not include farms or farm operations as defined in s. 823.14(3) or uses associated therewith, including the packaging and sale of products raised on the premises, or uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not mixed use, irrespective of how they are operated.

4. "Planned unit development" has the same meaning as provided in s. 163.3202(5)(b).

Section 2. Paragraph (n) of subsection (7) of section 166.04151, Florida Statutes, is amended to read:

166.04151 Affordable housing.—

(7)

(n) As used in this subsection, the term:

1. "Commercial use" means activities associated with the sale, rental, or distribution of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as retail sales; wholesale sales; rentals of equipment, goods, or products; offices; restaurants; public lodging establishments as described in s. 509.242(1)(a); food service vendors; sports arenas; theaters; tourist attractions; and other for-profit business activities. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered commercial use for the

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purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include home-based businesses or cottage food operations undertaken on residential property;~~;~~ public lodging establishments as described in s. 509.242(1)(c); farms or farm operations as defined in s. 823.14(3) or uses associated therewith, including the packaging and sale of products raised on the premises;~~;~~ or uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not commercial use, irrespective of how they are operated.

2. "Industrial use" means activities associated with the manufacture, assembly, processing, or storage of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as automobile manufacturing or repair, boat manufacturing or repair, junk yards, meat packing facilities, citrus processing and packing facilities, produce processing and packing facilities, electrical generating plants, water treatment plants, sewage treatment plants, and solid waste disposal sites. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered industrial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include farms or farm operations as defined in s. 823.14(3) or uses associated therewith, including the packaging and sale of products raised on the premises, or uses that are accessory,

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ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not industrial use, irrespective of how they are operated.

3. "Mixed use" means any use that combines multiple types of approved land uses from at least two of the residential use, commercial use, and industrial use categories. The term does not include farms or farm operations as defined in s. 823.14(3) or uses associated therewith, including the packaging and sale of products raised on the premises, or uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not mixed use, irrespective of how they are operated.

4. "Planned unit development" has the same meaning as provided in s. 163.3202(5)(b).

Section 3. This act shall take effect July 1, 2026.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Regulated Industries, *Chair*  
Appropriations Committee on Higher  
Education, *Vice Chair*  
Appropriations Committee on Pre-K - 12 Education  
Criminal Justice  
Ethics and Elections  
Fiscal Policy  
Rules

### JOINT COMMITTEES:

Joint Committee on Public Counsel Oversight,  
*Alternating Chair*

### SENATOR JENNIFER BRADLEY

6th District

January 28, 2026

Senator Keith Truenow, Chair  
Senate Committee on Agriculture  
306 Senate Building  
404 South Monroe Street  
Tallahassee, Florida 32399-1100

Dear Chair Truenow:

I respectfully request that Senate Bill 962 be placed on the committee's agenda at your earliest convenience. This bill revises land use categories for which affordable housing developments must be authorized to exclude farm and farm operations.

Thank you for your consideration and please reach out if you have any questions or concerns about the bill.

Sincerely,

A handwritten signature in blue ink that reads "Jennifer Bradley". The signature is fluid and cursive.

Jennifer Bradley

cc: Katherine Becker, Staff Director  
Evan Denny, Administrative Assistant

#### REPLY TO:

- ☐ 1845 East West Parkway, Suite 5, Fleming Island, Florida 32003 (904) 278-2085
- ☐ 406 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5006

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**BEN ALBRITTON**  
President of the Senate

**JASON BRODEUR**  
President Pro Tempore





## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Appropriations, *Vice Chair*  
Agriculture  
Appropriations Committee on Health and  
Human Services  
Children, Families, and Elder Affairs  
Ethics and Elections  
Finance and Tax  
Rules

### JOINT COMMITTEE:

Joint Legislative Budget Commission

### SENATOR DARRYL ERVIN ROUSON

16th District

February 3, 2026

### The Honorable Keith Truenow

Chairman, Committee on Agriculture

335 Knott Building

404 S Monroe St

Tallahassee, FL 32399

Dear Chairman Truenow,

I am writing to respectfully request an excused absence from the February 3, 2026, meeting of the Committee on Agriculture

I appreciate your consideration.

Sincerely,

A handwritten signature in green ink that reads "Darryl E. Rouson".

Senator Darryl E. Rouson

Florida Senate

District 16

### REPLY TO:

☐ 535 Central Avenue, Suite 302, St. Petersburg, Florida 33701 (727) 822-6828

☐ 212 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5016

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**BEN ALBRITTON**  
President of the Senate

**JASON BRODEUR**  
President Pro Tempore

# CourtSmart Tag Report

**Room:** SB 301

**Case No.:**

**Type:**

**Caption:** Senate Agriculture Committee **Judge:**

**Started:** 2/3/2026 3:31:47 PM

**Ends:** 2/3/2026 3:36:42 PM **Length:** 00:04:56

<b>3:31:47 PM</b>	Chair Truenow calls meeting to order
<b>3:31:49 PM</b>	Roll Call
<b>3:32:47 PM</b>	Pledge of Allegiance
<b>3:32:49 PM</b>	Chair Truenow makes opening remarks
<b>3:33:37 PM</b>	Tab 1, SB 962 by Senator Bradley, Affordable Housing
<b>3:33:47 PM</b>	Senator Bradley explains the bill
<b>3:34:43 PM</b>	Senator Bradley waives close
<b>3:34:47 PM</b>	Roll Call
<b>3:35:34 PM</b>	Chair Truenow makes closing remarks
<b>3:35:47 PM</b>	Senator Bernard makes closing remarks
<b>3:36:33 PM</b>	Senator Bernard moves to adjourn
<b>3:36:42 PM</b>	Meeting adjourned