

Tab 1	SB 962 by Bradley ; 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

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 962 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	Favorable
2. Stokes-Ramos	Becker	AG	Favorable
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.¹ All development, both public and private, and all development orders² approved by local governments must be consistent with the local government's comprehensive plan unless otherwise provided by law.³ The Future Land Use Element in a comprehensive plan establishes a range of allowable uses and densities and

BILL: SB 962

intensities over large areas, and the specific use and intensities for specific parcels⁴ within that range are decided by a more detailed, implementing zoning map.⁵

The Live Local Act⁶ 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 residential⁷ rental development in any area zoned for commercial, industrial, or mixed-use if the development meets certain affordability requirements.⁸ 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 Use⁹

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

⁴ 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.

⁵ 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).

⁶ 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.

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

⁸ See ss. 125.01055(7) and 166.04151(7), F.S.

⁹ See s. 125.01055(7)(n), F.S.

¹ Section 163.3167(2), F.S.

² “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.

³ Section 163.3194(3), 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.¹⁰ 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:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹⁰ 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

2026962

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; public lodging

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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 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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59 irrespective of how they are operated.

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

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

73 Section 2. Paragraph (n) of subsection (7) of section
 74 166.04151, Florida Statutes, is amended to read:

75 166.04151 Affordable housing.—

76 (7)

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

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

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

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

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

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

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

135 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".

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

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

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Rules

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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

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

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