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 Appropriations Committee on Transportation, Tourism, and Economic Development

BILL:	CS/SB 1342
INTRODUCER:	Community Affairs Committee and Senator Rouson
SUBJECT:	Transportation Infrastructure Land Development Regulations
DATE:	February 17, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Fleming	CA	**Fav/CS**
2.	Griffin	Nortelus	ATD	**Pre-meeting**
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1342 creates the "Transit-Oriented Development Act," a framework for preempting how local governments approach zoning in the vicinity of transit stops.

Under the bill, a local government must adopt new zoning for all lots partly within one-half mile of a permanent transportation stop, authorizing mixed use residential and commercial development. For affected lots, a local government may not impose any limitation, restriction, or prohibition regarding any type of single-family or multifamily use, including maximum density or minimum dwelling unit size, and the bill provides limits on local land use regulations such as height, setbacks, and parking.

The bill contemplates standards for judicial proceedings under the bill, and entitles a prevailing plaintiff to attorney fees and costs. The bill also provides legislative intent and a framework for public investment in transit-oriented development zones.

This bill has an indeterminate fiscal impact on local governments. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2026.

II. Present Situation:

The Community Planning Act

Adopted in 1985, the Local Government Comprehensive Planning and Land Development Regulation Act,[1] also known as Florida's Growth Management Act, was significantly revised in 2011, becoming the Community Planning Act.[2] The Community Planning Act governs how local governments create and adopt their local comprehensive plans.

Local comprehensive plans must include principles, guidelines, standards, and strategies for the orderly and balanced future land development of the area and reflect community commitments to implement the plan. The Community Planning Act intends that local governments manage growth through comprehensive land use plans that facilitate adequate and efficient provision of transportation, water, sewage, schools, parks, recreational facilities, housing, and other requirements and services.[3] A housing element is required as part of every comprehensive plan in the state. Among other things, the housing element must address "the creation or preservation of affordable housing to minimize the need for additional local services and avoid the concentration of affordable housing units only in specific areas of the jurisdiction."[4]

Municipalities established after the effective date of the Community Planning Act must adopt a comprehensive plan within three years after the date of incorporation.[5] The county comprehensive plan controls until a municipal comprehensive plan is adopted.[6]

The comprehensive plan is implemented via land development regulations. Each county and municipality must adopt and enforce land development regulations, such as zoning or other housing-related ordinances, which are consistent with and implement their adopted comprehensive plan.[7]

Land Development Regulations

Comprehensive plans are implemented via land development regulations. Land development regulations are ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land.[8]

Each county and municipality must adopt and enforce land development regulations which are consistent with and implement their adopted comprehensive plan.[9] Local governments are encouraged to use innovative land development regulations[10] and may adopt measures for the

[1] *See* ch. 85-55, s. 1, Laws of Fla.
[2] *See* ch. 2011-139, s. 17, Laws of Fla.
[3] Section 163.3161(4), F.S.
[4] Section 163.3177(6)(f)1.g., F.S.
[5] Section 163.3167(3), F.S.
[6] *Id*.
[7] Section 163.3202, F.S.
[8] Section 163.3164, F.S.
[9] Section 163.3202, F.S.
[10] Section 163.3202(3), F.S.

purpose of increasing affordable housing using land-use mechanisms.[11] Land development regulations relating to all public and private development, including special district projects, must be consistent with the local comprehensive plan.[12]

Sovereign Immunity

Sovereign immunity is "[a] government's immunity from being sued in its own courts without its consent."[13] The doctrine had its origin with the judge-made law of England. The basis of the existence of the doctrine of sovereign immunity in the United States was explained as follows: A sovereign is exempt from suit, not because of any formal conception or obsolete theory, but on the logical and practical ground that there can be no legal right as against the authority that makes the law on which the right depends.[14]

Article X, s. 13 of the Florida Constitution authorizes the Legislature to enact laws that permit suits against the State and its subdivisions, thereby waiving sovereign immunity. Currently, Florida law allows tort lawsuits against the State and its subdivisions[15] for damages that result from the negligence of government employees acting in the scope of their employment, but limits payment of judgments to $200,000 per person and $300,000 per incident.[16] This liability exists only where a private person would be liable for the same conduct.[17] Harmed persons who seek to recover amounts in excess of these limits may request that the Legislature enact a claim bill to appropriate the remainder of their court-awarded judgment.[18] Article VII, s. 1(c) of the Florida Constitution prohibits funds from being drawn from the State Treasury except in pursuance of an appropriation made by law. However, local governments and municipalities are not subject to this provision, and therefore may appropriate their local funds according to their processes.

III. Effect of Proposed Changes:

The bill creates s. 163.32035, F.S., the "Transit-Oriented Development Act." The bill presents a wide-ranging zoning preemption requiring a framework of special zoning areas encouraging development surrounding transit infrastructure.

The bill requires that by December 1, 2026, counties and municipalities adopt an ordinance establishing two tiers of transit-oriented development (TOD) zones, each with specific requirements and limitations on regulation. This area encompasses any lot partly within one-half

[11] Sections 125.01055 and 166.04151, F.S.
[12] *See* ss. 163.3161(6) and 163.3194(1)(a), F.S.
[13] BLACK'S LAW DICTIONARY (11th ed. 2019).
[14] *Cauley v. City of Jacksonville,* 403 So. 2d 379, 381 (Fla. 1981) (quoting *Kawananakoa v. Polyblank*, 205 U.S. 349, 353 (1907).
[15] Section 768.28(2), F.S., defines "state agencies or subdivisions" to include "executive departments, the Legislature, the judicial branch (including public defenders), and the independent establishments of the state, including state university boards of trustees; counties and municipalities; and corporations primarily acting as instrumentalities or agencies of the state, counties, or municipalities, including the Florida Space Authority."
[16] Section 768.28, F.S.
[17] Section 768.28(1), F.S.
[18] Section 768.28(5)(a), F.S. *See also*, s. 11.066, F.S., which states that state agencies are not required to pay monetary damaged under a court's judgment except pursuant to an appropriation made by law.

mile of a permanent transportation stop.[19] Once TOD zones are established, they may not be reduced or eliminated, including following the closure of the permanent public transit stop which created the zone.

The local government must zone all lots within any of the zones for mixed use. For affected lots, a local government may not impose any limitation, restriction, or prohibition regarding any type of single-family or multifamily use, including maximum density or minimum dwelling unit size beyond those required by the Florida Building Code.

Additionally, a local government may not impose a regulation that prohibits, limits, or otherwise restricts residential or commercial development on any lot that contains historic property except regulations related to building design elements otherwise permitted by law, or regulations to restrict demolition or alteration of a structure or building that is individually listed in the National Register of Historic Places, or a contributing structure within a historic district listed before January 1, 2000.

Any lot partly or wholly within a one-quarter mile radius of a permanent public transit stop is included in the "Tier 1 TOD zone." For any lot within such a zone, a local government may not impose any of the following land use regulations:

- A maximum building height of less than 8 stories or 85 feet, or less than 4 stories or 45 feet for lots adjacent to a single-family home.
- A maximum floor area ratio for residential use of less than 6.0, or less than 3.0 for lots adjacent to a single-family home.
- A maximum floor area ratio for commercial use of less than 3.0, or less than 2.0 for lots adjacent to a single-family home.
- Any minimum setback requirement for the side, front, and rear property lines.
- A requirement that greater than 10 percent of the lot area be reserved for open space or permeable surface.
- A required minimum number of parking spaces.

Maximum building heights and floor area ratios specified above are doubled for a lot located at least partly within a county with a population exceeding 800,000, or within a municipality with a population exceeding 75,000.

Any lot partly or wholly within a one-half mile radius of a permanent public transit stop and not included in Tier 1 is included in the "Tier 2 TOD zone." For any lot within such a zone, a local government may not impose any of the following:

- A maximum building height of less than 4 stories or 45 feet, or less than 3 stories or 35 feet for lots adjacent to a single-family home.
- A maximum floor area ratio for residential use of less than 3.0, or less than 2.0 for lots adjacent to a single-family home.
- A maximum floor area ratio for commercial use of less than 3.0, or less than 2.0 for lots adjacent to a single-family home.
- Any minimum setback requirement for the side, front, and rear property lines.

[19] To include a stop or station for a bus rapid transit service, a rail service, a commuter rail service, an intercity rail, or a fixed-guideway transportation system.

- A requirement that greater than 20 percent of the lot area be reserved for open space or permeable surface.
- A required minimum number of parking spaces.

Maximum building heights and floor area ratios specified above are doubled for a lot located at least partly within a county with a population exceeding 800,000, or within a municipality with a population exceeding 75,000.

A property owner or housing association may maintain a cause of action for damages for regulations adopted in violation of the bill. In such a proceeding the bill provides that a court may intervene to prevent a violation of the bill, and entitles a prevailing plaintiff to recover reasonable attorney fees and costs.

The bill provides that a public transit provider[20] is encouraged to develop land within Tier 1 and Tier 2 TOD zones. Net proceeds from such development shall be kept in the public transit agency's fund for operations, maintenance, and capital improvements. Public agencies such as local governments are also encouraged to develop such land, and to transfer a portion of net proceeds to the public transit agency's fund for operations, maintenance, and capital improvements.

The bill also amends s. 163.3164(49), F.S., to revise the community planning act's definition of "transit-oriented development.[21]" The current definition includes projects in areas identified in a local government comprehensive plan served by existing or planned transit service, which shall be compact, moderate to high density developments of mixed-use character designed to support certain transit options. The bill revises this to remove the requirement that such areas be identified in a comprehensive plan (as the bill requires them to be recognized via ordinance), notes that they may be high intensity as well as density in character, and expounds upon applicable transit systems to specify rail includes both commuter and intercity.

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

[20] The bill refers to s. 341.031(1), F.S., defining the term as a public agency providing public transit service, including rail authorities.

[21] The term "transit-oriented development" is not actually utilized within the community planning act, though the concept may be utilized by local governments' comprehensive plans.

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:

The bill will have an indeterminate, negative fiscal impact as local governments reconfigure their entire framework of zoning and land use regulations. This includes the requirement that each local governments adopt ordinances, policies, and potentially conforming comprehensive plan amendments, as well as long-term reaction in terms of infrastructure to areas made accessible to far greater development than prior to the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends section 163.3164 of the Florida Statutes.

This bill creates section 163.32035 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Committee Substitute by Community Affairs on February 3, 2026:
The committee substitute:

- Refines the definition of "transit-oriented development" within the Community Planning Act to comport with the Transit-Oriented Development Act;
- Amends various definitions used in the bill;
- Expounds on allowable commercial uses in mixed use TOD zones;
- Deletes provisions regarding rural transit zones, simplifying the framework to TOD zones only;
- Includes an exception to preemption related to historic properties to allow regulations related to building design elements; and
- Removes provisions creating judicial standards for proceedings under the bill, and waiving sovereign immunity.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.