

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Commerce Committee  
 2 Representative Redondo offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

**Section 1. Paragraphs (a), (d), (n), and (o) of subsection (7) of section 125.01055, Florida Statutes, are amended to read:**

125.01055 Affordable housing.—

(7) (a) A county must authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use; ~~and~~ in portions of any flexibly zoned area such as a planned unit development permitted for commercial, industrial, or mixed use; on property owned by a county, municipality, or school district; and on any parcel greater than 3 acres owned by a religious institution as defined in s. 170.201(2) that has contained a house of public worship

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17 for at least 5 years prior to the proposed development,  
18 regardless of underlying zoning, if at least 40 percent of the  
19 residential units in a proposed multifamily development are  
20 rental units that, for a period of at least 30 years, are  
21 affordable as defined in s. 420.0004. Notwithstanding any other  
22 law, local ordinance, or regulation to the contrary, a county  
23 may not require a proposed multifamily development to obtain a  
24 zoning or land use change, special exception, conditional use  
25 approval, variance, transfer of density or development units,  
26 amendment to a development of regional impact, or comprehensive  
27 plan amendment for the building height, zoning, and densities  
28 authorized under this subsection. For mixed-use residential  
29 projects, at least 65 percent of the total square footage must  
30 be used for residential purposes. The county may not require  
31 that more than 10 percent of the total square footage of such  
32 mixed-use residential projects be used for nonresidential  
33 purposes. A proposed development on property owned by a county,  
34 municipality, or school district must be within the geographic  
35 boundaries of the respective county, municipality, or school  
36 district, and the respective county, municipality, or school  
37 district must be a party to the application for the proposed  
38 development. A proposed development on property owned by a  
39 religious institution must be applied for by both the applicant  
40 and the religious institution and the house of public worship

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41 must continue on the property after the proposed development is  
42 constructed.

43 (d)1. A county may not restrict the height of a proposed  
44 development authorized under this subsection below the highest  
45 currently allowed, or allowed on July 1, 2023, height for a  
46 commercial or residential building located in its jurisdiction  
47 within 1 mile of the proposed development or three stories,  
48 whichever is higher. A county may not restrict the height of a  
49 proposed development below the height authorized in this  
50 subparagraph through other dimensional means, such as height  
51 determined by setbacks or step-backs, or require setbacks or  
52 step-backs that are more restrictive than the minimum setbacks  
53 or step-backs of the underlying zoning applicable to the  
54 proposed development as allowed on July 1, 2023. For purposes of  
55 this paragraph, the term "highest currently allowed height" does  
56 not include the height of any building that met the requirements  
57 of this subsection or the height of any building that has  
58 received any bonus, variance, or other special exception for  
59 height provided in the county's land development regulations as  
60 an incentive for development.

61 2. If the proposed development is adjacent to, on two or  
62 more sides, a parcel zoned for single-family residential use  
63 which is within a single-family residential development with at  
64 least 25 contiguous single-family homes, the county may restrict  
65 the height of the proposed development to 150 percent of the

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66 tallest building on any property adjacent to the proposed  
67 development, the highest currently allowed, or allowed on July  
68 1, 2023, height for the property provided in the county's land  
69 development regulations, or three stories, whichever is higher,  
70 not to exceed 10 stories. For the purposes of this paragraph,  
71 the term "adjacent to" means those properties sharing more than  
72 one point of a property line, but does not include properties  
73 separated by a public road.

74 3. If the proposed development is on a parcel with a  
75 contributing structure or building within a historic district  
76 which was listed in the National Register of Historic Places  
77 before January 1, 2000, or is on a parcel with a structure or  
78 building individually listed in the National Register of  
79 Historic Places, the county may restrict the height of the  
80 proposed development to the highest currently allowed, or  
81 allowed on July 1, 2023, height for a commercial or residential  
82 building located in its jurisdiction within three-fourths of a  
83 mile of the proposed development or three stories, whichever is  
84 higher. The term "highest currently allowed" in this paragraph  
85 includes the maximum height allowed for any building in a zoning  
86 district irrespective of any conditions.

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

88 1. "Commercial use" means activities associated with the  
89 sale, rental, or distribution of products or the performance of  
90 services related thereto. The term includes, but is not limited

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91 to, such uses or activities as retail sales; wholesale sales;  
92 rentals of equipment, goods, or products; offices; restaurants;  
93 public lodging establishments as described in s. 509.242(1)(a);  
94 food service vendors; sports arenas; theaters; tourist  
95 attractions; and other for-profit business activities. A parcel  
96 zoned to permit such uses by right without the requirement to  
97 obtain a variance or waiver is considered commercial use for the  
98 purposes of this section, irrespective of the local land  
99 development regulation's listed category or title. The term does  
100 not include home-based businesses or cottage food operations  
101 undertaken on residential property, public lodging  
102 establishments as described in s. 509.242(1)(c), or uses that  
103 are accessory, ancillary, incidental to the allowable uses, or  
104 allowed only on a temporary basis. Recreational uses, such as  
105 golf courses, tennis courts, swimming pools, and clubhouses,  
106 within an area designated for residential use are not commercial  
107 use, irrespective of how they are operated. Farm and farm  
108 operations, as those terms are defined in s. 823.14(3), and uses  
109 associated therewith, including the packaging and sale of  
110 products raised on the premises, are not commercial use.

111 2. "Industrial use" means activities associated with the  
112 manufacture, assembly, processing, or storage of products or the  
113 performance of services related thereto. The term includes, but  
114 is not limited to, such uses or activities as automobile  
115 manufacturing or repair, boat manufacturing or repair, junk

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116 yards, ~~meat packing facilities, citrus processing and packing~~  
117 ~~facilities, produce processing and packing facilities,~~  
118 electrical generating plants, water treatment plants, sewage  
119 treatment plants, and solid waste disposal sites. A parcel zoned  
120 to permit such uses by right without the requirement to obtain a  
121 variance or waiver is considered industrial use for the purposes  
122 of this section, irrespective of the local land development  
123 regulation's listed category or title. The term does not include  
124 uses that are accessory, ancillary, incidental to the allowable  
125 uses, or allowed only on a temporary basis. Recreational uses,  
126 such as golf courses, tennis courts, swimming pools, and  
127 clubhouses, within an area designated for residential use are  
128 not industrial use, irrespective of how they are operated. Farm  
129 and farm operations, as those terms are defined in s. 823.14(3),  
130 and uses associated therewith, including the packaging and sale  
131 of products raised on the premises, are not industrial use.

132 3. "Mixed use" means any use that combines multiple types  
133 of approved land uses from at least two of the residential use,  
134 commercial use, and industrial use categories. The term does not  
135 include uses that are accessory, ancillary, incidental to the  
136 allowable uses, or allowed only on a temporary basis.  
137 Recreational uses, such as golf courses, tennis courts, swimming  
138 pools, and clubhouses, within an area designated for residential  
139 use are not mixed use, irrespective of how they are operated.

140 4. "Multifamily development" or "mixed-use residential

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141 development" means a residential or mixed-use residential  
142 development site authorized under subsection (7), held under  
143 common ownership or control, which may consist of an assemblage  
144 of parcels separated only by land 15 feet or less and limited to  
145 public pedestrian access.

146 ~~5.4.~~ "Planned unit development" has the same meaning as  
147 provided in s. 163.3202(5) (b).

148 (o) This subsection does not apply to:

- 149 1. Airport-impacted areas as provided in s. 333.03.  
150 2. Property defined as recreational and commercial working  
151 waterfront in s. 342.201(2) (b) in any area zoned as industrial.  
152 3. The Wekiva Study Area, as described in s. 369.316.  
153 4. The Everglades Protection Area, as defined in s.  
154 373.4592(2).

155 5. Areas subject to land development regulations as  
156 defined in s. 163.3164(26) that are in existence before July 1,  
157 2026, which are intended to retain the open character of land,  
158 including, but not limited to, open space districts, open space  
159 recreation districts, open use estate districts, open use rural  
160 districts, and park and open space districts.

161 6. Any area of critical state concern, as designated in  
162 ss. 380.055, 380.0551, 380.0552, 380.0553, and 380.0555.

163 7. Any portion of a property encumbered by a recorded  
164 conservation easement as defined in s. 704.06.

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165           **Section 2. Paragraphs (a), (d), (n), and (o) of subsection**  
166 **(7) of section 166.04151, Florida Statutes, are amended to read:**

167           166.04151 Affordable housing.—

168           (7) (a) A municipality must authorize multifamily and  
169 mixed-use residential as allowable uses in any area zoned for  
170 commercial, industrial, or mixed use; ~~and~~ in portions of any  
171 flexibly zoned area such as a planned unit development permitted  
172 for commercial, industrial, or mixed use; on property owned by a  
173 county, municipality, or school district; and on any parcel  
174 greater than 3 acres owned by a religious institution as defined  
175 in s. 170.201(2) that has contained a house of public worship  
176 for at least 5 years prior to the proposed development,  
177 regardless of underlying zoning, if at least 40 percent of the  
178 residential units in a proposed multifamily development are  
179 rental units that, for a period of at least 30 years, are  
180 affordable as defined in s. 420.0004. Notwithstanding any other  
181 law, local ordinance, or regulation to the contrary, a  
182 municipality may not require a proposed multifamily development  
183 to obtain a zoning or land use change, special exception,  
184 conditional use approval, variance, transfer of density or  
185 development units, amendment to a development of regional  
186 impact, amendment to a municipal charter, or comprehensive plan  
187 amendment for the building height, zoning, and densities  
188 authorized under this subsection. For mixed-use residential  
189 projects, at least 65 percent of the total square footage must

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190 be used for residential purposes. The municipality may not  
191 require that more than 10 percent of the total square footage of  
192 such mixed-use residential projects be used for nonresidential  
193 purposes. A proposed development on property owned by a county,  
194 municipality, or school district must be within the geographic  
195 boundaries of the respective county, municipality, or school  
196 district, and the respective county, municipality, or school  
197 district must be a party to the application for the proposed  
198 development. A proposed development on property owned by a  
199 religious institution must be applied for by both the applicant  
200 and the religious institution and the house of public worship  
201 must continue on the property after the proposed development is  
202 constructed.

203 (d)1. A municipality may not restrict the height of a  
204 proposed development authorized under this subsection below the  
205 highest currently allowed, or allowed on July 1, 2023, height  
206 for a commercial or residential building located in its  
207 jurisdiction within 1 mile of the proposed development or three  
208 stories, whichever is higher. A municipality may not restrict  
209 the height of a proposed development below the height authorized  
210 in this subparagraph through other dimensional means, such as  
211 height determined by setbacks or step-backs, or require setbacks  
212 or step-backs that are more restrictive than the minimum  
213 setbacks or step-backs of the underlying zoning applicable to  
214 the proposed development as allowed on July 1, 2023. For

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215 purposes of this paragraph, the term "highest currently allowed  
216 height" does not include the height of any building that met the  
217 requirements of this subsection or the height of any building  
218 that has received any bonus, variance, or other special  
219 exception for height provided in the municipality's land  
220 development regulations as an incentive for development.

221 2. If the proposed development is adjacent to, on two or  
222 more sides, a parcel zoned for single-family residential use  
223 that is within a single-family residential development with at  
224 least 25 contiguous single-family homes, the municipality may  
225 restrict the height of the proposed development to 150 percent  
226 of the tallest building on any property adjacent to the proposed  
227 development, the highest currently allowed, or allowed on July  
228 1, 2023, height for the property provided in the municipality's  
229 land development regulations, or three stories, whichever is  
230 higher, not to exceed 10 stories. For the purposes of this  
231 paragraph, the term "adjacent to" means those properties sharing  
232 more than one point of a property line, but does not include  
233 properties separated by a public road or body of water,  
234 including manmade lakes or ponds. For a proposed development  
235 located within a municipality within an area of critical state  
236 concern as designated by s. 380.0552 or chapter 28-36, Florida  
237 Administrative Code, the term "story" includes only the  
238 habitable space above the base flood elevation as designated by  
239 the Federal Emergency Management Agency in the most current

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240 Flood Insurance Rate Map. A story may not exceed 10 feet in  
241 height measured from finished floor to finished floor, including  
242 space for mechanical equipment. The highest story may not exceed  
243 10 feet from finished floor to the top plate.

244 3. If the proposed development is on a parcel with a  
245 contributing structure or building within a historic district  
246 which was listed in the National Register of Historic Places  
247 before January 1, 2000, or is on a parcel with a structure or  
248 building individually listed in the National Register of  
249 Historic Places, the municipality may restrict the height of the  
250 proposed development to the highest currently allowed, or  
251 allowed on July 1, 2023, height for a commercial or residential  
252 building located in its jurisdiction within three-fourths of a  
253 mile of the proposed development or three stories, whichever is  
254 higher. The term "highest currently allowed" in this paragraph  
255 includes the maximum height allowed for any building in a zoning  
256 district irrespective of any conditions.

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

258 1. "Commercial use" means activities associated with the  
259 sale, rental, or distribution of products or the performance of  
260 services related thereto. The term includes, but is not limited  
261 to, such uses or activities as retail sales; wholesale sales;  
262 rentals of equipment, goods, or products; offices; restaurants;  
263 public lodging establishments as described in s. 509.242(1)(a);  
264 food service vendors; sports arenas; theaters; tourist

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265 attractions; and other for-profit business activities. A parcel  
266 zoned to permit such uses by right without the requirement to  
267 obtain a variance or waiver is considered commercial use for the  
268 purposes of this section, irrespective of the local land  
269 development regulation's listed category or title. The term does  
270 not include home-based businesses or cottage food operations  
271 undertaken on residential property, public lodging  
272 establishments as described in s. 509.242(1)(c), or uses that  
273 are accessory, ancillary, incidental to the allowable uses, or  
274 allowed only on a temporary basis. Recreational uses, such as  
275 golf courses, tennis courts, swimming pools, and clubhouses,  
276 within an area designated for residential use are not commercial  
277 use, irrespective of how they are operated. Farm and farm  
278 operations, as those terms are defined in s. 823.14(3), and uses  
279 associated therewith, including the packaging and sale of  
280 products raised on the premises, are not commercial use.

281 2. "Industrial use" means activities associated with the  
282 manufacture, assembly, processing, or storage of products or the  
283 performance of services related thereto. The term includes, but  
284 is not limited to, such uses or activities as automobile  
285 manufacturing or repair, boat manufacturing or repair, junk  
286 yards, ~~meat packing facilities, citrus processing and packing~~  
287 ~~facilities, produce processing and packing facilities,~~  
288 electrical generating plants, water treatment plants, sewage  
289 treatment plants, and solid waste disposal sites. A parcel zoned

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290 to permit such uses by right without the requirement to obtain a  
291 variance or waiver is considered industrial use for the purposes  
292 of this section, irrespective of the local land development  
293 regulation's listed category or title. The term does not include  
294 uses that are accessory, ancillary, incidental to the allowable  
295 uses, or allowed only on a temporary basis. Recreational uses,  
296 such as golf courses, tennis courts, swimming pools, and  
297 clubhouses, within an area designated for residential use are  
298 not industrial use, irrespective of how they are operated. Farm  
299 and farm operations, as those terms are defined in s. 823.14(3),  
300 and uses associated therewith, including the packaging and sale  
301 of products raised on the premises, are not industrial use.

302 3. "Mixed use" means any use that combines multiple types  
303 of approved land uses from at least two of the residential use,  
304 commercial use, and industrial use categories. The term does not  
305 include uses that are accessory, ancillary, incidental to the  
306 allowable uses, or allowed only on a temporary basis.  
307 Recreational uses, such as golf courses, tennis courts, swimming  
308 pools, and clubhouses, within an area designated for residential  
309 use are not mixed use, irrespective of how they are operated.

310 4. "Multifamily development" or "mixed-use residential  
311 development" means a residential or mixed-use residential  
312 development site authorized under subsection (7), held under  
313 common ownership or control, which may consist of an assemblage  
314 of parcels separated only by land 15 feet or less and limited to

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315 public pedestrian access.

316 ~~5.4.~~ "Planned unit development" has the same meaning as  
317 provided in s. 163.3202(5)(b).

318 (o) This subsection does not apply to:

319 1. Airport-impacted areas as provided in s. 333.03.

320 2. Property defined as recreational and commercial working  
321 waterfront in s. 342.201(2)(b) in any area zoned as industrial.

322 3. The Wekiva Study Area, as described in s. 369.316.

323 4. The Everglades Protection Area, as defined in s.  
324 373.4592(2).

325 5. Areas subject to land development regulations as  
326 defined in s. 163.3164(26) that are in existence before July 1,  
327 2026, which are intended to retain the open character of land,  
328 including, but not limited to, open space districts, open space  
329 recreation districts, open use estate districts, open use rural  
330 districts, and park and open space districts.

331 6. Any area of critical state concern, as designated in  
332 ss. 380.055, 380.0551, 380.0552, 380.0553, and 380.0555.

333 7. Any portion of a property encumbered by a recorded  
334 conservation easement as defined in s. 704.06.

335 **Section 3.** An applicant for a proposed development  
336 authorized under s. 125.01055(7), Florida Statutes, or s.  
337 166.04151(7), Florida Statutes, who submitted an application, a  
338 written request, or a notice of intent pursuant to either  
339 section to a county or municipality and such application,

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340 written request, or notice of intent was received by the county  
341 or municipality, as applicable, before July 1, 2026, may notify  
342 the county or municipality by July 1, 2026, of the applicant's  
343 intent to proceed under s. 125.01055(7), Florida Statutes, or s.  
344 166.04151(7), Florida Statutes, as the section existed at the  
345 time the application, written notice, or notice of intent was  
346 submitted. A county or municipality, as applicable, must allow  
347 an applicant who submitted an application, a written notice, or  
348 a notice of intent before July 1, 2026, the opportunity to  
349 submit a revised application, written request, or notice of  
350 intent to account for the changes made by this act.

351 **Section 4. Paragraphs (a) and (o) of subsection (3) of**  
352 **section 196.1978, Florida Statutes, are amended to read:**

353 196.1978 Affordable housing property exemption.—

354 (3) (a) As used in this subsection, the term:

355 1. "Corporation" means the Florida Housing Finance  
356 Corporation.

357 2. "Newly constructed" means an improvement to real  
358 property which was substantially completed within 5 years before  
359 the date of an applicant's first submission of a request for a  
360 certification notice pursuant to this subsection.

361 3. "Substantially completed" has the same meaning as in s.  
362 192.042(1).

363 4. "Multifamily project" shall mean a development  
364 authorized under this subsection that is held under common

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365 ownership or control, approved and developed in compliance with  
366 the same site plan approval or development order, and shall  
367 exclude individual detached single-family residences.

368 (o)1. Beginning with the 2025 tax roll, a taxing authority  
369 may elect, upon adoption of an ordinance or resolution approved  
370 by a two-thirds vote of the governing body, not to exempt  
371 property under sub-subparagraph (d)1.a. located in a county  
372 specified pursuant to subparagraph 2., subject to the conditions  
373 of this paragraph.

374 2. A taxing authority must make a finding in the ordinance  
375 or resolution that annual housing reports ~~the most recently~~  
376 published by the Shimberg Center for Housing Studies ~~Annual~~  
377 ~~Report, prepared~~ pursuant to s. 420.6075, identify ~~identifies~~  
378 that a county that is part of the jurisdiction of the taxing  
379 authority is within a metropolitan statistical area or region  
380 where, for each of the previous 3 years, the number of  
381 affordable and available units in the metropolitan statistical  
382 area or region is greater than the number of renter households  
383 in the metropolitan statistical area or region for the category  
384 entitled "0-120 percent AMI."

385 3. An election made pursuant to this paragraph may apply  
386 only to the ad valorem property tax levies imposed within a  
387 county specified pursuant to subparagraph 2. by the taxing  
388 authority making the election.

389 4. The ordinance or resolution must take effect on the

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390 January 1 immediately succeeding adoption and shall expire on  
391 the second January 1 after the January 1 in which the ordinance  
392 or resolution takes effect. The ordinance or resolution may be  
393 renewed prior to its expiration pursuant to this paragraph.

394 5. The taxing authority proposing to make an election  
395 under this paragraph must advertise the ordinance or resolution  
396 or renewal thereof pursuant to the requirements of s. 50.011(1)  
397 prior to adoption.

398 6. The taxing authority must provide to the property  
399 appraiser the adopted ordinance or resolution or renewal thereof  
400 by the effective date of the ordinance or resolution or renewal  
401 thereof.

402 7. Notwithstanding an ordinance or resolution or renewal  
403 thereof adopted pursuant to this paragraph, property in a  
404 multifamily project that received an exemption pursuant to sub-  
405 subparagraph (d)1.a. before the adoption or renewal of such  
406 ordinance or resolution may continue to receive such exemption  
407 for each subsequent consecutive year that the same owner or each  
408 successive owner applies for and is granted the exemption.

409 8. Notwithstanding an ordinance or a resolution or a  
410 renewal thereof adopted pursuant to this paragraph, the owner of  
411 a property in a multifamily project that received a building  
412 permit for the development of the multifamily project within 4  
413 years before the effective date of such ordinance or resolution  
414 may apply for and be granted the exemption under sub-

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415 subparagraph (d)1.a. after meeting the requirements of this  
416 subsection and may continue to receive such exemption for each  
417 subsequent consecutive year that the same owner or each  
418 successive owner applies for and is granted the exemption.

419 **Section 5.** The amendments made by this act to s. 196.1978,  
420 Florida Statutes, first apply to the 2027 property tax roll.

421 **Section 6. Subsection (5) of section 333.03, Florida**  
422 **Statutes, is amended to read:**

423 333.03 Requirement to adopt airport zoning regulations.—

424 (5) Sections 125.01055(7) and 166.04151(7) do not apply to  
425 any of the following, unless the respective application is  
426 approved by the governing body of the airport:

427 (a) A proposed development near a runway within one-  
428 quarter of a mile laterally from the runway edge and within an  
429 area that is the width of one-quarter of a mile extending at  
430 right angles from the end of the runway for a distance of 10,000  
431 feet of any existing airport runway or planned airport runway  
432 identified in the local government's airport master plan.

433 (b) A proposed development within any airport noise zone  
434 identified in the federal land use compatibility table or in a  
435 land-use zoning or airport noise regulation adopted by the local  
436 government.

437 (c) A proposed development that exceeds maximum height  
438 restrictions identified in the political subdivision's airport  
439 zoning regulation adopted pursuant to this section.

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440           **Section 7. Subsection (8) of section 760.22, Florida**  
441 **Statutes, is amended to read:**

442           760.22 Definitions.—As used in ss. 760.20-760.37, the  
443 term:

444           (8) "Person" includes one or more individuals,  
445 corporations, partnerships, associations, labor organizations,  
446 legal representatives, mutual companies, joint-stock companies,  
447 trusts, unincorporated organizations, trustees, trustees in  
448 bankruptcy, receivers, ~~and~~ fiduciaries, agencies, governmental  
449 entities, and other legal or commercial entities.

450           **Section 8. Section 760.26, Florida Statutes, is amended to**  
451 **read:**

452           760.26 Prohibited discrimination in land use decisions and  
453 in permitting of development.—It is unlawful to discriminate in  
454 land use decisions or in the permitting of development based on  
455 race, color, national origin, sex, disability, familial status,  
456 or religion, or, except as otherwise provided by law, based on  
457 the source of financing of a development or proposed  
458 development, including, but not limited to, financing of a  
459 development or a proposed development for housing that is  
460 affordable as defined in s. 420.0004.

461           **Section 9. Subsection (4) of section 760.35, Florida**  
462 **Statutes, is amended to read:**

463           760.35 Civil actions and relief; administrative  
464 procedures.—

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465 (4) If the court finds that a person has engaged in a  
466 discriminatory housing practice has occurred, it must ~~shall~~  
467 issue an order prohibiting the practice and providing  
468 affirmative relief from the effects of the practice, including  
469 injunctive and other equitable relief, actual and punitive  
470 damages, and reasonable attorney fees and costs. In accordance  
471 with s. 13, Art. X of the State Constitution, the state, for  
472 itself and its agencies or political subdivisions, waives  
473 sovereign immunity for a cause of action based on a violation of  
474 part II of chapter 760. Such waiver is limited only to actions  
475 brought under this section.

476 **Section 10. Subsections (2), (3), (4), and (5) of section**  
477 **163.31771, Florida Statutes, are amended to read:**

478 163.31771 Accessory dwelling units.—

479 (2) As used in this section, the term:

480 (a) "Accessory dwelling unit" means an ancillary or  
481 secondary living unit, that has a separate kitchen, bathroom,  
482 and sleeping area, existing either within the same structure, or  
483 on the same lot, as the primary dwelling unit.

484 (b) "Affordable rental" means that monthly rent and  
485 utilities do not exceed 30 percent of that amount which  
486 represents the percentage of the median adjusted gross annual  
487 income for extremely-low-income, very-low-income, low-income, or  
488 moderate-income persons.

489 (d)(e) "Local government" means a county or municipality.

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490 (e)-(d) "Low-income persons" has the same meaning as in s.  
491 420.0004(11).

492 (f)-(e) "Moderate-income persons" has the same meaning as  
493 in s. 420.0004(12).

494 (g) "Primary dwelling unit" means an existing or proposed  
495 single-family dwelling on the property where a proposed  
496 accessory dwelling unit would be located.

497 (h)-(f) "Very-low-income persons" has the same meaning as  
498 in s. 420.0004(17).

499 (c)-(g) "Extremely-low-income persons" has the same meaning  
500 as in s. 420.0004(9).

501 (3) By December 1, 2026, a local government shall may  
502 adopt an ordinance to allow accessory dwelling units to be  
503 approved without requiring a public hearing; a variance,  
504 conditional use permit, special permit, or special exception; or  
505 other discretionary action, other than a determination that a  
506 site plan conforms with applicable zoning regulations, in any  
507 area zoned for single-family residential use. Such ordinance  
508 must apply prospectively to accessory dwelling units approved  
509 after the date the ordinance is adopted. Such ordinance may  
510 regulate the permitting, construction, and use of an accessory  
511 dwelling unit but may not do any of the following:

512 (a) Require that the owner of a parcel on which an  
513 accessory dwelling unit is constructed reside in the primary  
514 dwelling unit.

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515 (b) Increase parking requirements on any parcel that can  
516 accommodate an additional motor vehicle on a driveway without  
517 impeding access to the primary dwelling unit.

518 (c) Require replacement parking if a garage, carport, or  
519 covered parking structure is converted to create an accessory  
520 dwelling unit.

521 (d) Impose discretionary review or hearing standards, such  
522 as requiring a conditional use approval or special exception to  
523 construct an accessory dwelling unit, or other review standards  
524 that do not apply generally to other housing in the same  
525 district or zone.

526

527 A local government that is required by state law to limit the  
528 number of new dwelling units within the local government's  
529 jurisdiction is not required to adopt an ordinance in accordance  
530 with this subsection, but may adopt an ordinance to allow  
531 accessory dwelling units in any area zoned for single-family  
532 residential use.

533 ~~(4) An application for a building permit to construct an~~  
534 ~~accessory dwelling unit must include an affidavit from the~~  
535 ~~applicant which attests that the unit will be rented at an~~  
536 ~~affordable rate to an extremely-low-income, very-low-income,~~  
537 ~~low-income, or moderate-income person or persons.~~

538 ~~(5)~~ Each accessory dwelling unit allowed by an ordinance  
539 adopted under this section which provides affordable rental

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540 housing shall apply toward satisfying the affordable housing  
541 component of the housing element in the local government's  
542 comprehensive plan under s. 163.3177(6) (f).

543 (5) The owner of a property with an accessory dwelling  
544 unit may not be denied a homestead exemption for those portions  
545 of property on which the owner maintains a permanent residence  
546 solely on the basis of the property containing an accessory  
547 dwelling unit that is or may be rented to another person.  
548 However, if the accessory dwelling unit is rented to another  
549 person, the accessory dwelling unit must be assessed separately  
550 from the homestead property and taxed according to its use.

551 **Section 11. Subsection (1) of section 420.615, Florida**  
552 **Statutes, is amended to read:**

553 420.615 Affordable housing land donation density bonus  
554 incentives.—

555 (1) A local government may provide density bonus  
556 incentives pursuant to ~~the provisions of~~ this section to any  
557 landowner who voluntarily donates fee simple interest in real  
558 property to the local government for the purpose of assisting  
559 the local government in providing affordable housing, including  
560 housing that is affordable for military families receiving the  
561 basic allowance for housing. Donated real property must be  
562 determined by the local government to be appropriate for use as  
563 affordable housing and must be subject to deed restrictions to  
564 ensure that the property will be used for affordable housing.

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565           **Section 12.** The Office of Program Policy Analysis and  
566 Government Accountability (OPPAGA) shall evaluate the efficacy  
567 of using mezzanine finance, or second-position short-term debt,  
568 to stimulate the construction of owner-occupied housing that is  
569 affordable as defined in s. 420.0004(3), Florida Statutes, in  
570 this state. OPPAGA shall also evaluate the potential of tiny  
571 homes in meeting the need for affordable housing in this state.  
572 OPPAGA shall consult with the Florida Housing Finance  
573 Corporation and the Shimberg Center for Housing Studies at the  
574 University of Florida in conducting its evaluation. By December  
575 31, 2027, OPPAGA shall submit a report of its findings to the  
576 President of the Senate and the Speaker of the House of  
577 Representatives. Such report must include recommendations for  
578 the structuring of a model mezzanine finance program.

579           **Section 13.** This act shall take effect July 1, 2026.

581           -----

582                           **T I T L E   A M E N D M E N T**

583           Remove everything before the enacting clause and insert:  
584           An act relating to affordable housing; amending ss.  
585           125.01055 and 166.04151, F.S.; requiring counties and  
586           municipalities, respectively, to authorize multifamily  
587           and mixed-use residential uses as allowable uses for  
588           specified property; requiring certain proposed  
589           developments to be within specified geographic

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590 boundaries; requiring certain counties,  
591 municipalities, and school districts to be a party to  
592 an application for certain proposed developments;  
593 prohibiting counties and municipalities, respectively,  
594 from restricting the height of certain proposed  
595 developments in a certain manner or requiring setbacks  
596 or step-backs that are more restrictive than certain  
597 zoning regulations; revising the definitions of the  
598 terms "commercial use" and "industrial use"; creating  
599 definitions for "multifamily development" and "mixed-  
600 use residential development"; providing exceptions;  
601 authorizing applicants for certain proposed  
602 developments to notify, by a specified date, the  
603 county or municipality, as applicable, on the  
604 applicant's intent to proceed under certain provisions  
605 of law; requiring counties and municipalities to allow  
606 certain applicants to submit revised applications,  
607 written requests, or notices of intent to account for  
608 changes made by the act; amending s. 196.1978, F.S.;  
609 creating a definition for "multifamily project";  
610 revising a specified finding that a taxing authority  
611 must make in order to elect not to exempt certain  
612 property from certain ad valorem taxation; authorizing  
613 certain property owners in a multifamily project to  
614 apply for and continue to receive an exemption;

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615 amending s. 333.03, F.S.; providing that specified  
616 provisions of law relating to proposed developments do  
617 not apply to airport zoning regulations unless the  
618 governing body of the airport approves the  
619 application; amending s. 760.22, F.S.; revising the  
620 definition of the term "person"; amending s. 760.26,  
621 F.S.; prohibiting certain discriminatory practices  
622 based on financing of a development, or a proposed  
623 development, for affordable housing; amending s.  
624 760.35, F.S.; waiving the state's sovereign immunity  
625 for certain causes of action; providing applicability;  
626 amending s. 163.31771, F.S.; defining the term  
627 "primary dwelling unit"; requiring local governments  
628 to adopt, by a specified date, an ordinance to allow  
629 accessory dwelling units to be approved in certain  
630 areas; requiring that such ordinances apply  
631 prospectively; providing that such ordinances may  
632 regulate specified actions; prohibiting the inclusion  
633 of certain requirements or prohibitions in such  
634 ordinances; providing an exception to the requirement  
635 that local governments adopt such ordinances; deleting  
636 a requirement that an application for a building  
637 permit to construct an accessory dwelling unit include  
638 a certain affidavit; revising the accessory dwelling  
639 units that apply toward satisfying a certain component

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640 of a local government's comprehensive plan;  
641 prohibiting the denial of a homestead exemption for  
642 certain portions of property on a specified basis;  
643 requiring that a rented accessory dwelling unit be  
644 assessed separately from the homestead property and  
645 taxed according to its use; amending s. 420.615, F.S.;  
646 authorizing a local government to provide a density  
647 bonus incentive to landowners who make certain real  
648 property donations to assist in the provision of  
649 affordable housing for military families; requiring  
650 the Office of Program Policy Analysis and Government  
651 Accountability to evaluate the efficacy of using  
652 mezzanine finance and the potential of tiny homes for  
653 specified purposes; requiring the office to consult  
654 with certain entities; requiring the office to submit  
655 a certain report to the Legislature by a specified  
656 date; providing an effective date.