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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/14/2026	.	
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The Appropriations Committee on Transportation, Tourism, and Economic Development (Gaetz) recommended the following:

Senate Amendment (with title amendment)

Delete lines 40 - 156

and insert:

Section 1. Subsections (2) through (5) of section 163.31771, Florida Statutes, are amended, and a new subsection (5) is added to that section, to read:

163.31771 Accessory dwelling units.—

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

(a) "Accessory dwelling unit" means an ancillary or



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secondary living unit, that has a separate kitchen, bathroom, and sleeping area, existing either within the same structure, or on the same lot, as the primary dwelling unit.

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

(c) "By right" means the ability to be approved without requiring a public hearing; a variance, conditional use permit, special permit, or special exception; or other discretionary action, other than a determination that a site plan conforms with applicable zoning regulations.

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

~~(f)~~ (d) "Low-income persons" has the same meaning as in s. 420.0004(11).

~~(g)~~ (e) "Moderate-income persons" has the same meaning as in s. 420.0004(12).

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

~~(i)~~ (f) "Very-low-income persons" has the same meaning as in s. 420.0004(17).

~~(d)~~ (g) "Extremely-low-income persons" has the same meaning as in s. 420.0004(9).

(3) By December 1, 2026, a local government shall ~~may~~ adopt an ordinance to allow accessory dwelling units by right in any area zoned for single-family residential use. Such ordinance must apply prospectively to accessory dwelling units approved



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after the date the ordinance is adopted. Such ordinance may regulate the permitting, construction, and use of an accessory dwelling unit but may not do any of the following:

(a) Prohibit the renting or leasing of an accessory dwelling unit, except to prohibit the renting or leasing of an accessory dwelling unit approved after the effective date of the ordinance for a term of less than 1 month, notwithstanding s. 509.032(7)(b).

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

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

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

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

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 2 - 13

and insert:

An act relating to housing; amending s. 163.31771, F.S.; defining the terms "by right" and "primary



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69 dwelling unit"; requiring, rather than authorizing,
70 local governments to adopt, by a specified date, an
71 ordinance to allow accessory dwelling units by right
72 in certain areas; requiring that such ordinances apply
73 prospectively; providing that such ordinances may
74 regulate specified actions; prohibiting the