



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2026	.	
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The Committee on Community Affairs (McClain) recommended the following:

1                   **Senate Amendment (with title amendment)**

2  
3                   Delete everything after the enacting clause  
4 and insert:

5                   Section 1. Subsection (10) is added to section 125.022,  
6 Florida Statutes, to read:

7                   125.022 Development permits and orders.—

8                   (10) Subsections (2), (3), and (4) do not apply to an  
9 application for approval of a development permit or development  
10 order for a residential lot as defined in s. 163.3254(3). For



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11 such applications, the county shall follow the application  
12 procedures established in s. 163.3254(7).

13       Section 2. Subsection (10) is added to section 166.033,  
14 Florida Statutes, to read:

15       166.033 Development permits and orders.—

16       (10) Subsections (2), (3), and (4) do not apply to an  
17 application for approval of a development permit or development  
18 order for a residential lot as defined in s. 163.3254(3). For  
19 such applications, the municipality shall follow the application  
20 procedures established in s. 163.3254(7).

21       Section 3. Section 163.3254, Florida Statutes, is created  
22 to read:

23       163.3254 Florida Starter Homes Act.—The Florida Starter  
24 Homes Act is created to make home ownership, renting, and  
25 leasing more affordable for the residents of this state by  
26 increasing the supply of housing for the residents of this  
27 state.

28       (1) This section may be cited as the "Florida Starter Homes  
29 Act."

30       (2) The Legislature finds that:

31       (a) The median price of homes in this state has increased  
32 steadily in the decade preceding 2026, rising at a greater rate  
33 of increase than the median income in this state.

34       (b) There is a housing shortage in this state which  
35 constitutes a threat to the health, safety, and welfare of the  
36 residents of this state, and this shortage has caused the costs  
37 of home ownership, renting, and leasing to often exceed an  
38 amount that is affordable for residents of this state.

39       (c) The housing shortage is caused, to a significant



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40 extent, by regulations governing residential lots which have  
41 been imposed by local governments without a compelling  
42 governmental interest. Such regulations substantially burden the  
43 basic right under the State Constitution to acquire, possess,  
44 and protect property.

45 (d) Single-family detached homes, single-family attached  
46 homes, townhouses, duplexes, triplexes, and quadruplexes are  
47 affordable starter homes for residents of this state to own,  
48 rent, or lease.

49 (e) Regulations governing residential lots which have been  
50 imposed by local governments do not encourage a high degree of  
51 flexibility relating to residential development, and such  
52 regulations prevent the development of starter homes on  
53 residential lots smaller in size, due, in part, to minimum lot  
54 size requirements and restrictions on the types of dwellings  
55 allowed to be constructed on residential lots.

56 (f) The important public purpose sought to be achieved by  
57 allowing starter homes on residential lots that are smaller in  
58 size is to increase the supply of housing, which will make home  
59 ownership, renting, and leasing more affordable for the  
60 residents of this state.

61 (3) For purposes of this section, the term:

62 (a) "Business day" means all calendar days except  
63 Saturdays, Sundays, and holidays under s. 110.117(1).

64 (b) "By right" means administrative approval as a matter of  
65 right by a local government of a development application that  
66 objectively complies with applicable zoning regulations and for  
67 which the local government may not impose a public hearing; any  
68 action by a governing body, reviewing body, or quasi-judicial



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69 body; a variance; a conditional use permit, special permit, or  
70 special exception; or any other discretionary regulation.

71 (c) "Compelling governmental interest" means a governmental  
72 interest of the highest order which cannot be achieved through  
73 less restrictive means. A compelling governmental interest must  
74 have a real and substantial connection to protecting public  
75 safety, health, or reasonable enjoyments and expectations of  
76 property, such as requiring the structural integrity, safe  
77 plumbing, or safe electricity of buildings, or preventing or  
78 abating nuisances.

79 (d) "Development" has the same meaning as in s. 380.04.

80 (e) "Development application" means an application for  
81 approval of any of the following:

82 1. A lot split or subdivision.

83 2. A plat or replat.

84 3. A development bonus for additional height, density, or  
85 floor area ratio.

86 4. The demolition of an existing structure, if the  
87 demolition objectively complies with applicable regulations.

88 5. Any other development order or development permit as  
89 those terms are defined in s. 163.3164, except for building  
90 permits.

91 (f) "Dwelling unit" means a single unit formed by one or  
92 more rooms within a dwelling which is used, or is designed to be  
93 used, as a home, residence, or sleeping place for at least one  
94 person.

95 (g) "Impose" means request or adopt, enact, establish,  
96 maintain, enforce, mandate, compel, force, or otherwise require.

97 (h) "Local government" means any county, municipality, or



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98 special district.

99 (i) "Lot" means a parcel, tract, tier, block, site, unit,  
100 or any other division of land.

101 (j) "Lot split" means the division of a parent parcel into  
102 no more than eight residential lots.

103 (k) "Nuisance" means persistent activity that injures the  
104 physical condition or interferes with the use of adjacent land,  
105 is injurious to health or safety, or objectively offends the  
106 senses.

107 (l) "Objectively" means in a way that involves no personal  
108 or subjective judgment by a public official and that is  
109 uniformly verifiable by reference to an external and uniform  
110 benchmark or criterion available and knowable by both the local  
111 government and the development applicant, development proponent,  
112 or property owner, as applicable.

113 (m) "Parent parcel" means the original lot from which  
114 subsequent lots are created.

115 (n) "Public transit stop" means a stop or station used for  
116 public purposes for transit services, including for a bus rapid  
117 transit service, a bus system, a streetcar, a commuter rail  
118 service as defined in s. 341.301, an intercity rail  
119 transportation system as defined in s. 341.301, or a fixed-  
120 guideway transportation system as defined in s. 341.031(2). The  
121 term does not include a stop or station for a people-mover  
122 system in a public-use airport as defined in s. 332.004 or for  
123 an intercity rail transportation system in a rural community as  
124 defined in s. 288.0656(2).

125 (o) "Public water system" has the same meaning as in s.  
126 403.852(2).



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127        (p) "Regulation" means a comprehensive plan, a development  
128 order, or a land development regulation as those terms are  
129 defined in s. 163.3164 or any other local government ordinance,  
130 resolution, policy, action, procedure, condition, guideline,  
131 development agreement, or land development code.

132        (q) "Residential lot" means a lot that is zoned for  
133 residential use or on which at least one type of starter home is  
134 an existing or lawful use. The term does not include a lot that  
135 is located within an area of critical state concern designated  
136 pursuant to s. 380.05.

137        (r) "Sewerage system" has the same meaning as in s.  
138 403.031. The term does not include an onsite sewage treatment  
139 and disposal system as defined in s. 403.031.

140        (s) "Shared space" means a driveway, an alley, or a common  
141 open space, such as a courtyard or pocket park.

142        (t) "Starter home" means a dwelling with one, two, three,  
143 or four dwelling units. The term includes, but is not limited  
144 to, single-family detached homes, single-family attached homes,  
145 townhouses as defined in s. 481.203, duplexes, triplexes, and  
146 quadruplexes, and the curtilage thereof.

147        (u) "Subdivision" means the division of a parent parcel  
148 into nine or more residential lots. The term includes streets,  
149 alleys, additions, and resubdivisions.

150        (4) (a)1. A local government may not impose a regulation  
151 that governs residential lots unless such regulation is:

152            a. In furtherance of a compelling governmental interest;  
153 and

154            b. The least restrictive means of furthering that  
155 compelling governmental interest.



156        2. Subparagraph 1. does not apply to regulations that:  
157        a. Prevent or abate a nuisance;  
158        b. Enforce the terms of a license, a permit, or an  
159        authorization;  
160        c. Enforce any requirement imposed by federal law; or  
161        d. Are the result of a final, nonappealable judicial  
162        determination.

163        3. Any ambiguity in a regulation that governs residential  
164        lots must be construed in favor of the basic rights to acquire,  
165        possess, and protect property, including, but not limited to,  
166        the right to approval by right of a development or development  
167        application.

168        (b) If a residential lot is connected to a public water  
169        system and a sewerage system, or will be connected to such  
170        systems as part of a lot split plan or subdivision plan, a local  
171        government may not impose a regulation that does any of the  
172        following:

173        1. Requires a minimum lot size that is greater than 1,200  
174        square feet for existing lots, lots created by a lot split, or  
175        lots created by subdivision.

176        2. Prohibits, limits, or otherwise restricts the  
177        development of a starter home.

178        3. Requires a minimum setback that is greater than: 0 feet  
179        from the sides; 10 feet from the rear; or 20 feet from the  
180        front, or 0 feet from the front if the lot fronts or abuts a  
181        shared space.

182        4. Requires a minimum dimension of a lot, including its  
183        width or depth, to exceed 20 feet if the lot meets the relevant  
184        minimum lot size requirement.



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185       5. Requires more than 30 percent of lot area to be reserved  
186       for open space or permeable surface.

187       6. Requires a maximum building height of less than three  
188       stories or 35 feet above grade or, if applicable, three stories  
189       or 35 feet above the base flood elevation established by the  
190       Federal Emergency Management Agency.

191       7. Requires a maximum floor area ratio of less than 3.

192       8. Requires the property owner to occupy the property.

193       9. Requires a minimum size for a starter home which is  
194       greater than that required by the Florida Building Code.

195       10. Requires a maximum residential density, typically  
196       measured in dwelling units per acre, which is more restrictive  
197       than the requirements of this subsection.

198       (5) (a) Regulations imposed by a local government must allow  
199       a residential lot to front or abut a shared space instead of a  
200       public right-of-way.

201       (b) A local government may not impose a regulation that  
202       requires a minimum number of parking spaces greater than one per  
203       residential dwelling unit for residential lots that are 4,000  
204       square feet or less, or any minimum number of parking spaces for  
205       residential lots within a one-half mile radius of a public  
206       transit stop that is open for public use on or after January 1,  
207       2026.

208       (c) A local government may not impose a regulation that  
209       prohibits, limits, or otherwise restricts lot splits or the  
210       development of starter homes on a residential lot that contains  
211       historic property as defined in s. 267.021, except for:

212       1. Regulations relating to building design elements which  
213       may be applied pursuant to s. 163.3202(5)(a)1.; or



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214        2. Regulations that prohibit, limit, or otherwise restrict  
215        the demolition or alteration of a structure or building that is  
216        individually listed in the National Register of Historic Places,  
217        or that is a contributing structure or building within a  
218        historic district which was listed in the National Register of  
219        Historic Places before January 1, 2000.

220        (6) Local government regulations must include a process  
221        through which an applicant may seek review and approval of a lot  
222        split.

223        (a) A lot split must be approved by right if the lot split  
224        objectively complies with the requirements of this section.

225        (b) Regulations imposed by a local government which  
226        establish criteria for the application for, or approval of, a  
227        lot split are limited to the following:

228        1. The requirement that an applicant provide the relevant  
229        documentation and pay a fee for the cost of review of such  
230        documentation. Any other fee imposed on the application for, or  
231        approval of, a lot split is prohibited.

232        2. The requirement that lots created by the lot split  
233        comply with applicable zoning regulations that govern the parent  
234        parcel.

235        3. The requirement that the parent parcel was not created  
236        by a lot split or subdivision during the previous 12 months.

237        (7) (a) A local government shall confirm receipt of a  
238        development application for a residential lot within 5 business  
239        days after receipt of the application using the contact  
240        information provided by the applicant. Within 10 business days  
241        after receiving the application, the local government shall  
242        review the application for completeness and issue a written



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243 notification to the applicant indicating that all required  
244 information is submitted or specify in writing with  
245 particularity any areas that are deficient. If the application  
246 is deficient, the applicant has 60 business days to address the  
247 deficiencies by submitting the required additional information.

248       (b) Within 5 business days after receipt of such additional  
249 information, the local government shall issue a written  
250 notification to the applicant indicating that all required  
251 information is submitted or specify in writing with  
252 particularity any areas that remain deficient. The local  
253 government may request additional information up to three times  
254 if necessary to address an initially identified area of  
255 deficiency. However, the local government may not raise a new  
256 area of deficiency in a subsequent request for additional  
257 information unless the deficiency was caused by a material  
258 change introduced by the applicant in the additional information  
259 provided to the local government. Before making a third request  
260 for additional information, the local government must offer the  
261 applicant a meeting to discuss and resolve any outstanding areas  
262 of deficiency. If the applicant believes that a request for  
263 additional information is not authorized by law, the local  
264 government, at the applicant's request, must process the  
265 application for approval or denial. If a local government deems  
266 an application incomplete after making three requests for  
267 additional information, the local government must process the  
268 application for approval or denial.

269       (c) The local government shall approve the development  
270 application by right within 20 business days after deeming the  
271 application complete and may not impose any further action. Any



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denial of the application must include written findings supporting the local government's decision.

(d) At any point during the timeframes specified in paragraph (a) or paragraph (b), an applicant may request, and the local government must grant, an extension of time for up to 60 business days. However, a local government may not impose an extension of time or require an applicant to request an extension of time.

(e) If a local government fails to:

1. Issue a written notification of completeness or written specification of areas of deficiency within 10 business days after receiving a development application;

2. Issue a written notification of completeness or written specification of areas of deficiency within 5 days after receiving additional information; or

3. Approve an application by right within 20 days after deeming the application complete,

the application is deemed approved by right, and the local government must issue written notification of approval by the next business day and issue to the applicant a refund equal to 100 percent of the application fee.

(f) The timeframes contained in this subsection do not supersede any other timeframes provided in state law which are less restrictive than this subsection for property owners or development, such as a shorter timeframe for a local government to review documentation or to approve a development application.

(8) (a) A property owner or housing organization aggrieved or adversely affected by a regulation imposed by a local



301 government in violation of this section may maintain a cause of  
302 action for damages in the county in which the property is  
303 located. As used in this paragraph, the term "housing  
304 organization" means a trade or industry group that constructs or  
305 manages housing units, a nonprofit organization that provides or  
306 advocates for increased access or reduced barriers to housing,  
307 or a nonprofit organization that is engaged in public policy  
308 research, education, or outreach that includes housing-policy-  
309 related issues.

310 (b) 1. In a proceeding under this subsection, an aggrieved  
311 or adversely affected party is entitled to the summary procedure  
312 provided in s. 51.011, and the court shall advance the cause on  
313 the calendar. The court shall review the evidence de novo and  
314 enter written findings of fact based on the preponderance of the  
315 evidence that a local government has imposed a regulation in  
316 violation of this section.

317 2. An aggrieved or adversely affected party shall prevail  
318 in an action filed under this subsection unless the local  
319 government demonstrates to the court by clear and convincing  
320 evidence that the regulation is:

321 a. In furtherance of a compelling governmental interest;  
322 and

323 b. The least restrictive means of furthering the compelling  
324 governmental interest.

325 (c) The court may do any of the following:

326 1. Enter a declaratory judgment as is provided by chapter  
327 86.

328 2. Issue a writ of mandamus.

329 3. Issue an injunction to prevent a violation of this



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330 section.

331 4. Remand the matter to the land development regulation  
332 commission for action consistent with the judgment.

333 (d) A prevailing plaintiff is entitled to recover  
334 reasonable attorney fees and costs, including reasonable  
335 appellate attorney fees and costs.

336 (9) This section waives sovereign immunity for any local  
337 government to the extent liability is created in this section.

338 (10) This section does not prohibit, limit, or otherwise  
339 restrict a condominium association, a homeowners' association,  
340 or a cooperative from adopting or approving governing documents,  
341 or a property owner from establishing deed restrictions, if such  
342 adoption, approval, or establishment is voluntary and not  
343 imposed by a local government. If such adoption, approval, or  
344 establishment is imposed by the local government, the governing  
345 document or deed restriction, as applicable, is deemed a local  
346 government regulation under this section and is void and  
347 unenforceable to the extent that it conflicts with this section.

348 (11) This section applies retroactively to any local  
349 government regulation that is contrary to this section or its  
350 intent. This section is remedial and shall be liberally  
351 construed to effectuate its intent. Any local government  
352 regulation contrary to this section is void and unenforceable to  
353 the extent that it conflicts with this section.

354 Section 4. Present subsection (17) of section 163.514,  
355 Florida Statutes, is redesignated as subsection (18), and a new  
356 subsection (17) is added to that section, to read:

357 163.514 Powers of neighborhood improvement districts.—  
358 Unless prohibited by ordinance, the board of any district shall



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359 be empowered to:

360 (17) Plan, finance, or complete structural safety or  
361 building compliance improvements, including improvements  
362 required under state or local structural recertification  
363 programs, if such improvements are approved by:

364 (a) A majority vote of the district's residents; or  
365 (b) An advisory council composed of residents of the  
366 district, if such a council has been established by local  
367 ordinance pursuant to s. 163.506.

368 Section 5. Subsection (6) is added to section 177.071,  
369 Florida Statutes, to read:

370 177.071 Administrative approval of plats or replats by  
371 designated county or municipal official.—

372 (6) Subsection (3) does not apply to a plat or a replat  
373 under this part for a residential lot as defined in s.  
374 163.3254(3). For such plats and replats, the administrative  
375 authority shall follow the application procedures established in  
376 s. 163.3254(7).

377 Section 6. Section 553.382, Florida Statutes, is amended to  
378 read:

379 553.382 Placement of certain housing.—Notwithstanding any  
380 other law or ordinance to the contrary, in order to expand the  
381 availability of affordable housing in this state, any  
382 residential manufactured building that is certified under this  
383 chapter by the department may be placed on a mobile home lot in  
384 a mobile home park, ~~recreational vehicle park~~, or mobile home  
385 condominium, cooperative, or subdivision or on any lot in a  
386 recreational vehicle park. Any such housing unit placed on a  
387 mobile home lot is a mobile home for purposes of chapter 723



388 and, therefore, all rights, obligations, and duties under  
389 chapter 723 apply, including the specifics of the prospectus.  
390 However, a housing unit subject to this section may not be  
391 placed on a mobile home lot without the prior written approval  
392 of the park owner. Each housing unit subject to this section  
393 which is placed on a mobile home lot shall be taxed as a mobile  
394 home under s. 320.08(11) and is subject to payments to the  
395 Florida Mobile Home Relocation Fund under s. 723.06116.

396 Section 7. Section 553.385, Florida Statutes, is created to  
397 read:

398 553.385 Zoning of off-site constructed residential  
399 dwellings; parity.—

400 (1) As used in this section, the term:

401 (a) "Local government" means a county or municipality.  
402 (b) "Off-site constructed residential dwelling" means a  
403 manufactured building as defined in s. 553.36 which is intended  
404 for single-family residential use, or a manufactured home as  
405 defined in s. 320.01(2) (b), which is constructed in whole or in  
406 part off-site and is treated as real property.

407 (2) (a) An off-site constructed residential dwelling must be  
408 permitted as of right in any zoning district where single-family  
409 detached dwellings are allowed.

410 (b) A local government may not adopt or enforce any zoning,  
411 land use, or development regulation that treats an off-site  
412 constructed residential dwelling differently or more  
413 restrictively than a single-family site-built dwelling allowed  
414 in the same district.

415 (c) This section does not prohibit a local government from  
416 applying generally applicable architectural, aesthetic, design,



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417 setback, height, or bulk standards to off-site constructed  
418 residential dwellings, provided such standards apply equally to  
419 site-built single-family dwellings permitted in the same  
420 district. A local government may adopt compatibility standards  
421 that are limited to the following architectural features:

- 422 1. Roof pitch.
- 423 2. Square footage of livable space.
- 424 3. Type and quality of exterior finishing materials.
- 425 4. Foundation enclosure.
- 426 5. Existence and type of attached structures.
- 427 6. Building setbacks, lot dimensions, and the orientation  
428 of the home on the lot.

429 (d) A local government may not treat off-site constructed  
430 residential dwellings differently than factory-built buildings  
431 subject to s. 553.38 based on the method or location of  
432 construction.

433 (3) A local government may not adopt or enforce any zoning,  
434 land use, or development ordinance or regulation that conflicts  
435 with this section or s. 553.38 or that imposes different or more  
436 restrictive treatment on an off-site constructed residential  
437 dwelling based on its method of construction or the presence of  
438 components built off site. Local government ordinances and  
439 regulations may not have the effect of excluding off-site  
440 constructed residential dwellings and must be reasonable and  
441 uniformly enforced without any distinction as to the type of  
442 housing. Any such ordinance or regulation is void and  
443 unenforceable as applied to off-site constructed residential  
444 dwellings.

445 Section 8. This act shall take effect July 1, 2026.



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446  
447 ===== T I T L E A M E N D M E N T =====  
448 And the title is amended as follows:  
449 Delete everything before the enacting clause  
450 and insert:  
451 A bill to be entitled  
452 An act relating to local government land development  
453 regulations and orders; amending ss. 125.022 and  
454 166.033, F.S.; providing applicability; requiring  
455 counties and municipalities, respectively, to follow  
456 certain application procedures for applications for  
457 certain development permits and development orders;  
458 creating s. 163.3254, F.S.; creating the "Florida  
459 Starter Homes Act" for a specified purpose; providing  
460 a short title; providing legislative findings;  
461 defining terms; prohibiting local governments from  
462 imposing regulations governing residential lots unless  
463 such regulations meet specified requirements;  
464 providing applicability; providing construction;  
465 prohibiting local governments from imposing certain  
466 regulations if a residential lot is connected to a  
467 public water system and a sewerage system; requiring  
468 that regulations imposed by a local government allow  
469 residential lots to front or abut a shared space  
470 instead of a public right-of-way; prohibiting a local  
471 government from imposing regulations that require more  
472 than a certain minimum number of parking spaces for  
473 specified residential lots; prohibiting a local  
474 government from imposing certain regulations on



475       residential lots that contain historic property;  
476       providing exceptions; requiring that local government  
477       regulations include a certain process; requiring the  
478       approval of a lot split under certain circumstances;  
479       limiting the criteria that may be required by local  
480       governments for applications for and approvals of lot  
481       splits; establishing an application process for  
482       development applications for residential lots;  
483       requiring a local government to process such  
484       applications in a certain manner within certain  
485       timeframes; requiring the approval of such development  
486       applications by right under certain circumstances;  
487       authorizing an applicant to request, and requiring the  
488       local government to grant, certain extensions;  
489       prohibiting a local government from imposing, or from  
490       requiring an applicant to request, such an extension;  
491       providing that certain applications are deemed  
492       approved by right under certain circumstances;  
493       requiring a local government to issue to an applicant  
494       a refund of the application fee under certain  
495       circumstances; providing construction; authorizing  
496       certain property owners and housing organizations to  
497       maintain a cause of action under certain  
498       circumstances; defining the term "housing  
499       organization"; specifying the procedure for such  
500       actions; authorizing the award of specified relief;  
501       providing that a prevailing plaintiff is entitled to  
502       attorney fees and costs; providing a waiver of  
503       sovereign immunity; providing construction; providing



504 retroactive application; providing for liberal  
505 construction; providing that certain local government  
506 regulations are void and unenforceable to a specified  
507 extent; amending s. 163.514, F.S.; authorizing the  
508 board of a neighborhood improvement district to plan,  
509 finance, or complete structural safety or building  
510 compliance improvements if approved by a majority vote  
511 of the district's residents or by a certain advisory  
512 council; amending s. 177.071, F.S.; providing  
513 applicability; requiring an administrative authority  
514 to follow certain application procedures for  
515 applications for certain plats and replats; amending  
516 s. 553.382, F.S.; authorizing the placement of a  
517 residential manufactured building on any lot in a  
518 recreational vehicle park; conforming provisions to  
519 changes made by the act; creating s. 553.385, F.S.;  
520 defining the terms "local government" and "off-site  
521 constructed residential dwelling"; requiring the  
522 permitting as of right of an off-site constructed  
523 residential dwelling in certain zoning districts;  
524 prohibiting a local government from adopting or  
525 enforcing certain regulations; providing construction;  
526 authorizing a local government to adopt compatibility  
527 standards that are limited to certain architectural  
528 features; prohibiting a local government from treating  
529 off-site constructed residential dwellings differently  
530 than factory-built buildings based on certain  
531 circumstances; prohibiting a local government from  
532 adopting or enforcing certain zoning, land use, or



533 development ordinances and regulations; prohibiting  
534 local government ordinances and regulations from  
535 having certain effects; providing that certain local  
536 government ordinances and regulations are void and  
537 unenforceable to a specified extent; providing an  
538 effective date.