

THE FLORIDA SENATE
2026 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/CS/HB 1389 — Affordable Housing

by Commerce Committee; Housing, Agriculture & Tourism Subcommittee; and Rep. Redondo and others (SB 1548 by Senator Calatayud)

The bill makes a variety of changes regarding the Live Local Act, passed during the 2023 Regular Session, to require the authorization of certain affordable housing developments by local governments under certain conditions. The bill:

- Provides that the preemptions of the Live Local Act permitting the development of affordable housing apply on any property owned by a county, municipality, or school district;
- Provides that the preemptions of the Live Local Act permitting the development of affordable housing apply on a property which is more than 3 acres in size, owned by a religious institution, and has contained a house of public worship for 10 years;
- Provides that, through July 1, 2030, a multifamily or mixed-use development using the preemptions of the Live Local Act may consist of an assemblage of parcels under common ownership or control which are separated by no more than 15 feet of land and limited public pedestrian access;
- Provides that the preemptions of the Live Local Act do not apply in an area subject to a land development regulation intended to retain the open character of land, any area of critical state concern, or any portion of property under a conservation easement;
- Provides that a local government may not utilize other dimensional means such as setbacks or stepbacks to constructively restrict the height of a project authorized by the Live Local Act;
- Provides that farming and farm operations, including the packaging and sale of those products raised on the premises, are excluded from the definitions of commercial, industrial, or mixed-use zoning which would require the local government to approve affordable housing developments; and
- Provides that the Live Local Act may apply if the development is approved by the governing body of an airport where the proposed development is near an airport runway or noise zone.

An applicant for a proposed development authorized under ss. 125.01055(7) or 166.04151(7), F.S., who submitted documentation before July 1, 2026, may proceed under the provisions of law as they existed at the time of submission, or notify the local government of their intent to revise their submission to account for the changes made by the bill.

Related to the Florida Fair Housing Act, the bill clarifies that it is unlawful to discriminate in land use decisions or in the permitting of development based on the financing of a development or proposed development that is for affordable housing, and waives sovereign immunity in cases based on such discrimination.

Related to the missing middle property tax exemption created in the Live Local Act, the bill makes the following changes, applicable to the 2027 tax rolls:

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- Defines a multifamily project to include multiple parcels held under common ownership or control developed as one plan, excluding single-family residences and parcels separated by more than 200 feet of land;
- Requires the taxing authority to find that the local availability of affordable units has exceeded the demand for each of the previous 3 years, rather than the most recent year, prior to opting out of the exemption; and
- Allows a development which received a building permit within 4 years before a local government opted out of the exemption to apply for the exemption.

The bill also provides that local governments may provide density bonus incentives to landowners who donate real estate for the purpose of assisting local governments in providing affordable housing to military families that receive the basic allowance for housing.

Finally, the bill directs the Office of Program Policy Analysis and Government Accountability to evaluate the efficacy of using mezzanine finance, or second position short-term debt, to stimulate the construction of owner-occupied affordable housing and evaluate potential for tiny homes to meet affordable housing needs. The report is due by December 31, 2027.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect on July 1, 2026.

Vote: Senate 35-0; House 98-4