FLORIDA HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: CS/CS/CS/HB 943	**COMPANION BILL:** CS/CS/SB 1730 (Calatayud)
TITLE: Real Property and Land Use and Development	**LINKED BILLS:** None
SPONSOR(S): Lopez, V.	**RELATED BILLS:** None

FINAL HOUSE FLOOR ACTION: 105 **Y's** 0 **N's** **GOVERNOR'S ACTION:** Pending

SUMMARY

Effect of the Bill:

The bill amends various provisions in the Live Local Act to:

- Allow local governments to approve the development of affordable housing on parcels owned by religious institutions, and allow an adjacent parcel of land to be included within a proposed development.
- Prohibit local governments from requiring a proposed multifamily development to obtain a transfer of density or development units, or an amendment to a development of regional impact.
- Provide that if a proposed development is on certain parcels within a historic district listed in the National Register of Historic Places, a local government may restrict the height of the proposed development, and require the proposed development to comply with local regulations relating to architectural design, provided it does not affect the height, floor area ratio, or density of the proposed development.
- Require local governments, upon request of an applicant, to reduce parking requirements for a proposed development by 15 percent if the development meets certain criteria.
- Require courts to prioritize any civil action filed against a local government for a violation of certain affordable housing development laws.
- Prohibit local governments from imposing a building moratorium that delays the permitting or construction of a multifamily or mixed-use residential development.
- Create annual reporting requirements for local governments relating to litigation under Florida's affordable housing development laws.

Fiscal or Economic Impact:

The bill has an indeterminate impact on local governments and the private sector.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION

ANALYSIS

EFFECT OF THE BILL:

CS/CS/CS/HB 943 passed as CS/CS/SB 1730. (Please note that bill section parentheticals do not contain hyperlinks to bill sections for Senate bills.)

Affordable Housing Development

The bill amends various provisions in the Live Local Act.

The bill allows local governments,[1] notwithstanding any other law or local ordinance or regulation to the contrary, to approve the development of affordable housing on any parcel, including any contiguous parcel connected thereto, which is owned by a religious institution[2] and contains a house of public worship, regardless of the

[1] Local government means any county or municipality. *See* s. 163.3164(29), F.S.
[2] Religious institution means any church, synagogue, or other established physical place for worship at which nonprofit religious services and activities are regularly conducted and carried on. S. 170.201(2), F.S.

underlying zoning, so long as at least 10 percent of the units included in the project are for affordable housing. (Section 1 for counties; Section 2 for municipalities.)

The bill requires local governments to authorize multifamily and mixed-use residential as allowable uses in portions of any flexibly zoned area such as a planned unit development permitted for commercial, industrial, or mixed use, if at least 40 percent of the residential units in a proposed multifamily development are rental units that have an affordability period of 30 years or more. (Section 1 for counties; Section 2 for municipalities.)

The bill prohibits local governments from:

- Requiring a proposed multifamily development to obtain a transfer of density or development units or an amendment to a development of regional impact for the building height, zoning, and densities authorized under Florida's affordable housing development laws.[3]
- Requiring that more than 10 percent of the total square footage of a mixed-use residential project be used for nonresidential purposes.
- Restricting the ***density*** of a proposed affordable housing development below the highest density currently allowed, or allowed on July 1, 2023,[4] on any unincorporated land where residential development is allowed under the local land development regulations.
- Restricting the ***floor area ratio*** of a proposed affordable housing development below 150 percent of the highest floor area ratio[5] currently allowed, or allowed on July 1, 2023, on any unincorporated land where development is allowed under the local land development regulations.
- Restricting the ***height*** of a proposed affordable housing development below the highest height currently allowed, or allowed on July 1, 2023, for a commercial or residential building within 1 mile of the proposed development or 3 stories, whichever is higher. (Section 1 for counties; Section 2 for municipalities.)

The bill authorizes local governments, if a proposed affordable housing development is adjacent to[6] a parcel zoned for single-family residential use which is within a single-family residential development with at least 25 contiguous single-family homes, to restrict the height of the proposed development to 150 percent of the tallest building on any property adjacent to the development; the highest height currently allowed, or allowed on July 1, 2023, in the local land development regulations; or 3 stories, whichever is higher, but not to exceed 10 stories. (Section 1 for counties; Section 2 for municipalities.)

The bill also authorizes local governments, notwithstanding any other law or local ordinance or regulation to the contrary, to allow an adjacent parcel of land to be included within a proposed multifamily affordable housing development authorized under s. 125.01055(7), F.S., for counties, and s. 166.04151(7), F.S., for municipalities. (Section 1 for counties; Section 2 for municipalities.)

The bill exempts the Wekiva Study Area[7] and the Everglades Protection Area[8] from certain requirements under Florida's affordable housing development laws.[9] (Section 1 for counties; Section 2 for municipalities.)

Administrative Approvals

The bill requires a proposed affordable housing development to be administratively approved without further action by a local government ***or any quasi-judicial or administrative board or reviewing body***, if the

[3] *See* s. 125.01055(7), F.S., for counties, and s. 166.04151(7), F.S., for municipalities.
[4] Whichever of the two is least restrictive at the time of development is the one that applies. (Section 1 for counties; Section 2 for municipalities.)
[5] Under the bill, "floor area ratio" includes floor lot ratio ***and lot coverage***. (Section 1 for counties; Section 2 for municipalities.)
[6] The bill specifies that the proposed development must be adjacent ***on two or more sides*** to the parcel. (Section 1 for counties; Section 2 for municipalities.)
[7] As described in s. 369.316, F.S.
[8] As defined in s. 373.4592(2), F.S.
[9] Specifically, s. 125.01055(7), F.S., for counties, and s. 166.04151(7), F.S., for municipalities. (Section 1 for counties; Section 2 for municipalities.)

development satisfies the local land development regulations for multifamily developments and is otherwise consistent with the local government's comprehensive plan, with the exception of provisions establishing:

- Allowable densities.[10]
- Floor area ratios.
- Height.
- Land use. (Section 1 for counties; Section 2 for municipalities.)

Additionally, the bill requires local governments to administratively approve the demolition of an existing structure associated with a proposed affordable housing development, without further action by the local government or any quasi-judicial or administrative board or reviewing body, if the proposed demolition otherwise complies with all state and local regulations. (Section 1 for counties; Section 2 for municipalities.)

Historic Districts

If a proposed development is on a parcel with a contributing structure or building within a historic district listed in the National Register of Historic Places (Register) before January 1, 2000, or is on a parcel with a structure or building individually listed in the Register, the bill allows local governments to:

- Restrict the height of the proposed development to the highest height currently allowed,[11] or allowed on July 1, 2023, for a commercial or residential building within three-fourths of a mile of the proposed development or 3 stories, whichever is higher.
- Administratively require the proposed development to comply with local regulations relating to architectural design, such as façade replication, provided it does not affect height, floor area ratio, or density of the proposed development. (Section 1 for counties; Section 2 for municipalities.)

Parking Requirements

The bill revises parking requirements under the Live Local Act to specify that local governments, upon request of an applicant, must reduce parking requirements by 15 percent for a proposed affordable housing development if the development:

- Is located within one-quarter mile of a transit stop, as defined in the local land development code, and the transit stop is accessible from the development;
- Is located within one-half mile of a major transportation hub that is accessible from the proposed development by safe, pedestrian-friendly means, such as sidewalks, crosswalks, elevated pedestrian or bike paths, or other multimodal design features; ***or***
- Has available parking within 600 feet of the proposed development which may consist of options such as on-street parking, parking lots, or parking garages available for use by residents of the proposed development.[12] (Section 1 for counties; Section 2 for municipalities.)

Certain Civil Actions

[10] Under the bill, "allowable density" means the density prescribed for the property in accordance with s. 125.01055(7), F.S., for counties, and s. 166.04151(7), F.S., for municipalities, without additional requirements to procure and transfer density units or development units from other properties. (Section 1 for counties; Section 2 for municipalities.)

[11] "Highest currently allowed" includes the maximum height allowed for any building in a zoning district irrespective of any conditions. (Section 1 for counties; Section 2 for municipalities.)

[12] Notwithstanding the changes made by the bill to parking requirements under the Live Local Act, the bill maintains current law that:

- Prohibits a local government from requiring that the available parking under this provision compensate for the reduction in parking requirements.
- Requires local governments to eliminate parking requirements for a proposed mixed-use residential development authorized under s. 125.01055(7), F.S., for counties, and s. 166.04151(7), F.S., for municipalities, within an area recognized by the local government as a transit-oriented development or area.
- Defines "major transportation hub" as any transit station, whether bus, train, or light rail, which is served by public transit with a mix of other transportation options. (Section 1 for counties; Section 2 for municipalities.)

If a civil action is filed against a local government for a violation of Florida's affordable housing development laws,[13] the bill requires courts to:

- Prioritize any such action over other pending cases.
- Render a preliminary or final decision as expeditiously as possible.
- Assess and award reasonable attorney fees and costs to the prevailing party,[14] not to exceed $250,000. (Section 1 for counties; Section 2 for municipalities.)

Definitions

For purposes of Florida's affordable housing development laws,[15] the bill defines "commercial use" as activities associated with the sale, rental, or distribution of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as:

- Retail sales;
- Wholesale sales;
- Rentals of equipment, goods, or products;
- Offices;
- Restaurants;
- Public lodging establishments as described in s. 509.242(1)(a), F.S.;
- Food service vendors;
- Sports arenas;
- Theaters;
- Tourist attractions; and
- Other for-profit business activities. (Section 1 for counties; Section 2 for municipalities.)

The bill specifies that a parcel zoned to permit the above uses by right without the requirement to obtain a variance or waiver is considered commercial use, irrespective of the local land development regulation's listed category or title. The term does not include home-based businesses or cottage food operations undertaken on residential property, public lodging establishments as described in s. 509.242(1)(c), F.S., or uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are also not considered commercial use, irrespective of how they are operated. (Section 1 for counties; Section 2 for municipalities.)

The bill also defines the term "industrial use" for purposes of Florida's affordable housing development laws[16] to mean activities associated with the manufacture, assembly, processing, or storage of products or the performance of services related thereto. The bill specifies:

- The term includes, but is not limited to, such uses or activities as automobile manufacturing or repair, boat manufacturing or repair, junk yards, meat packing facilities, citrus processing and packing facilities,

[13] Specifically, s. 125.01055(7), F.S., for counties, and s. 166.04151(7), F.S., for municipalities. (Section 1 for counties; Section 2 for municipalities.)
[14] The bill prohibits a prevailing party from recovering any attorney fees or costs directly incurred by or associated with litigation to determine an award of reasonable attorney fees or costs. (Section 1 for counties; Section 2 for municipalities.)
[15] Specifically, s. 125.01055(7), F.S., for counties, and s. 166.04151(7), F.S., for municipalities. (Section 1 for counties; Section 2 for municipalities.)
[16] *Id.*

produce processing and packing facilities, electrical generating plants, water treatment plants, sewage treatment plants, and solid waste disposal sites.
- A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered industrial use, irrespective of the local land development regulation's listed category or title. '
- The term does not include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis.
- Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not industrial use, irrespective of how they are operated. (Section 1 for counties; Section 2 for municipalities.)

Under the bill, "mixed use" is defined as any use that combines multiple types of approved land uses from at least two of the residential use, commercial use, and industrial use categories. The bill specifies the term does not include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are also not mixed use, irrespective of how they are operated. (Section 1 for counties; Section 2 for municipalities.)

The bill defines "planned unit development" as an area of land that is planned and developed as a single entity or in approved stages with uses and structures substantially related to the character of the entire development, or a self-contained development in which the subdivision and zoning controls are applied to the project as a whole rather than to individual lots.[17] (Section 1 for counties; Section 2 for municipalities.)

Building Moratoria

Except as otherwise provided, the bill prohibits a local government from enforcing a building moratorium that has the effect of delaying the permitting or construction of a multifamily or mixed-use residential affordable housing development. The bill specifies, however, that a local government may impose or enforce such a building moratorium for no more than 90 days in any 3-year period. Before the adoption of such a building moratorium, the bill requires the local government to prepare an assessment of the local government's need for affordable housing at the extremely-low-income, very-low-income, or moderate-income limits, including projections of such need for the next 5 years. The bill requires this assessment to be:
- Posted on the local government's website by the date the notice of proposed enactment is published.
- Presented at the same public meeting at which the proposed ordinance imposing the building moratorium is adopted by the local government.
- Included in the business impact estimate[18] for the ordinance imposing such a moratorium. (Section 1 for counties; Section 2 for municipalities.)

The bill requires a court, if a civil action is filed against a local government for a violation of the above provisions, to assess and award reasonable attorney fees and costs to the prevailing party, not to exceed $250,000. The bill prohibits a prevailing party from recovering any attorney fees or costs directly incurred by or associated with litigation to determine the award of reasonable attorney fees or costs. (Section 1 for counties; Section 2 for municipalities.)

The bill specifies the above provisions do not apply to moratoria imposed or enforced to address stormwater or flood water management, to address the supply of potable water, or due to the necessary repair of sanitary sewer systems, if such moratoria apply equally to all types of multifamily or mixed-use residential developments. (Section 1 for counties; Section 2 for municipalities.)

Annual Reporting Requirements

Beginning November 1, 2026, the bill requires all local governments to submit an annual report to the Department of Commerce (Department), as the state land planning agency, that includes:

[17] *See* s. 163.3202(5)(b), F.S.
[18] As required by s. 125.66(3), F.S.

- A summary of litigation relating to s. 125.01055(7), F.S., for counties, or s. 166.04151(7), F.S., for municipalities, that was initiated, remains pending, or was resolved during the previous fiscal year.
- A list of all projects proposed or approved under s. 125.01055(7), F.S., for counties, or s. 166.04151(7), F.S., for municipalities, during the previous fiscal year, including for each project the size, density, intensity, and total number of units proposed (including the number of affordable units and associated targeted household incomes). (Section 1 for counties; Section 2 for municipalities.)

The bill requires the Department to compile and submit the information received from the local governments to the Governor, the President of the Senate, and the Speaker of the House of Representatives. (Section 1 for counties; Section 2 for municipalities.)

Notice of Intent to Proceed Under Florida's Affordable Housing Development Laws

The bill allows an applicant for a proposed affordable housing development who submitted an application, a written request, or a notice of intent to use Florida's affordable housing development laws to a local government and which application, written request, or notice of intent has been received by the local government, before July 1, 2025, to notify the local government by July 1, 2025, of his or her intent to proceed under Florida's affordable housing development laws as they existed at the time of the submittal. (Section 3.)

The bill requires a local government to allow an applicant who has submitted such application, written request, or notice of intent before July 1, 2025, the opportunity to submit a revised application, written request, or notice of intent to account for the changes made by the bill. (Section 3.)

Public Sector and Hospital Employer-Sponsored Housing Policy

The bill makes the following legislative findings:
- It is in the best interests of the state and the state's economy to provide affordable housing to state residents employed by hospitals,[19] health care facilities,[20] and governmental entities[21] in order to attract and maintain the highest quality labor by incentivizing such employers to sponsor affordable housing opportunities.
- Section 42(g)(9)(B) of the Internal Revenue Code provides that a qualified low-income housing project does not fail to meet the general public use requirement solely because of occupancy restrictions or preferences that favor tenants who are members of a specified group under a state program or policy that supports housing for such specified group. (Section 4.)

Pursuant to the above legislative findings, the bill specifies it is the policy of the state to support housing for employees of hospitals, health care facilities, and governmental entities, and to allow developers in receipt of federal low-income housing tax credits allocated pursuant to s. 420.5099, F.S., local or state funds, or other sources of funding available to finance the development of affordable housing to create a preference for housing for such

[19] "Hospital" means a hospital under chapter 155, a hospital district created pursuant to ch. 189, F.S., or a hospital licensed pursuant to ch. 395, F.S., including corporations not for profit that are qualified as charitable under s. 501(c)(3) of the Internal Revenue Code and for-profit entities. (Section 4.)

[20] "Health care facility" means property operated in the private sector, whether operated for profit or not, used for or useful in connection with the diagnosis, treatment, therapy, rehabilitation, housing, or care of or for aged, sick, ill, injured, infirm, impaired, disabled, or handicapped persons, without discrimination among such persons due to race, religion, or national origin; or for the prevention, detection, and control of disease, including, without limitation thereto, hospital, clinic, emergency, outpatient, and intermediate care, including, but not limited to, facilities for the elderly such as assisted living facilities, facilities defined in s. 154.205(8), F.S., day care and share-a-home facilities, nursing homes, and the following related property when used for or in connection with the foregoing: laboratory; research; pharmacy; laundry; health personnel training and lodging; patient, guest, and health personnel food service facilities; and offices and office buildings for persons engaged in health care professions or services. (Section 4.)

[21] "Governmental entity" means any state, regional, county, local, or municipal governmental entity of this state, whether executive, judicial, or legislative; any department, division, bureau, commission, authority, or political subdivision of the state; any public school, state university, or Florida College System institution; or any special district as defined in s. 189.012, F.S. (Section 4.)

employees. The bill requires such preference to conform to the requirements of s. 42(g)(9) of the Internal Revenue Code. (Section 4.)

The bill has an effective date of July 1, 2025. (Section 5.)

FISCAL OR ECONOMIC IMPACT:

LOCAL GOVERNMENT:

The bill has an indeterminate impact on local governments that are subject to the bill's requirements to authorize the development of affordable housing.

PRIVATE SECTOR:

The bill has an indeterminate positive impact on the private sector to the extent that the bill facilitates, and results in an increase in the availability of, affordable housing in the state.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Affordable Housing

Housing is considered affordable when monthly rents or monthly mortgage payments, including taxes, insurance, and utilities, do not exceed 30 percent of a family's gross income.[22] Over 2.4 million low-income Florida households pay more than 30% of their incomes towards housing, which is the maximum amount considered affordable by experts.[23] Over half of these households, or 1.3 million low-income households, spend more than 50% of their income towards housing costs.[24] This makes it difficult for those households to save for retirement or emergencies and difficult to afford other necessities such as food and childcare.[25]

Eligibility to participate in Florida's state and federally-funded housing programs is determined by area median income (AMI) or statewide median family income, which is published annually by the United States Department of Housing and Urban Development (HUD).[26] In Florida, the current statewide AMI for a family of four is $88,600 (as family size changes, the income range also varies):[27]

- Extremely-low-income – earning up to 30 percent AMI (at or below $26,600);[28]
- Very-low-income – earning from 30.01 to 50 percent AMI ($26,601 to $44,300);[29]
- Low-income – earning from 50.01 to 80 percent AMI ($44,301 to $70,900);[30] and
- Moderate-income – earning from 80.01 to 120 percent of AMI ($70,901 to $106,320).[31]

---

[22] S. 420.0004(3), F.S.
[23] Florida Housing Coalition, *2024 Home Matters Report*, p. 2. https://flhousing.org/wp-content/uploads/2024/08/FHC-2024-Home-Matters-Report.pdf (last visited May 14, 2025).
[24] *Id.*
[25] *Id.*
[26] *See* U.S. Dept. of Housing and Urban Development: Office of Policy Development and Research, *Income Limits*, https://www.huduser.gov/portal/datasets/il.html#documents_2024 (last visited May 14, 2025).
[27] U.S. Dept. of Housing and Urban Development: Office of Policy Development and Research, *FY 2024 State Income Limits: Florida*, https://www.huduser.gov/portal/datasets/il/il2024/2024summary.odn?inputname=STTLT*1299999999%2BFlorida&selection_type=county&stname=Florida&statefp=12.0&year=2024 (last visited May 14, 2025).
[28] *Id. See also* s. 420.0004(9), F.S.
[29] *Supra* note 25. *See also* s. 420.0004(17), F.S.
[30] *Supra* note 25. *See also* s. 420.0004(11), F.S.
[31] *Supra* note 25. *See also* s. 420.0004(12), F.S.

As of 2024, Florida had only 24 affordable and available rental units for every 100 extremely low-income renters.[32] In addition, there were little to no communities in Florida that could provide enough housing to support this group of renters, which is primarily made up of low-income workers, retirees, and people with disabilities.[33]

Land Use for Affordable Housing Development

All development, both public and private, and all development orders[34] approved by a local government must be consistent with the local government's comprehensive plan.[35] The Growth Management Act requires every county and municipality to create and implement a comprehensive plan to guide future development.[36] A comprehensive plan is intended to provide for the future use of land, which contemplates a gradual and ordered growth, and establishes a long-range maximum limit on the possible intensity of land use.

A locality's comprehensive plan lays out the locations for future public facilities, including roads, water and sewer facilities, neighborhoods, parks, schools, and commercial and industrial developments. A comprehensive plan is made up of 10 required elements, each laying out regulations for a different facet of development.[37]

The future land use element designates proposed future general distribution, location, and extent of the uses of land. Specified use designations include those for residential, commercial, industry, agriculture, recreation, conservation, education, and public facilities. The approximate acreage and the general range of density or intensity of use must be provided for each land use category.[38] The specific use and intensities for specific parcels are decided by a more detailed, implementing zoning map.[39]

The housing element sets forth guidelines and strategies for the creation and preservation of affordable housing for all current and anticipated future residents of the jurisdiction, elimination of substandard housing conditions, provision of adequate sites for future housing, and distribution of housing for a range of incomes and types.[40]

A comprehensive plan is implemented through the adoption of land development regulations[41] that are consistent with the plan and that contain specific and detailed provisions necessary to implement the plan.[42] Such regulations must, among other requirements, regulate the subdivision of land and the use of land for the land use categories in the land use element of the comprehensive plan.[43] Substantially affected persons have the right to maintain administrative actions that ensure land development regulations are implemented and consistent with the comprehensive plan.[44]

---

[32] *Supra* note 21, at p. 2.
[33] *Id.*
[34] "Development order" means any order granting, denying, or granting with conditions an application for a development permit. See s. 163.3164(15), F.S. "Development permit" includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land. See s. 163.3164(16), F.S.
[35] S. 163.3194(3), F.S.
[36] S. 163.3167(2), F.S.
[37] S. 163.3177(6), F.S. The 10 required elements include capital improvements; future land use plan; transportation; general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge; conservation; recreation and open space; housing; coastal management; intergovernmental coordination; and property rights. Throughout statutes exist plans and programs that may be added as optional elements.
[38] S. 163.3177(6)(a), F.S.
[39] Richard Grosso, A Guide to Development Order "Consistency" Challenges Under Florida Statutes Section 163.3215, 34 J. Envtl. L. & Litig. 129, 154 (2019) citing *Brevard Cty. v. Snyder*, 627 So. 2d 469, 475 (Fla. 1993).
[40] S. 163.3177(6)(f), F.S.
[41] "Land development regulations" means 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, except that this definition does not apply in s. 163.3213. See s. 163.3164(26), F.S.
[42] S. 163.3202, F.S.
[43] *Id.*
[44] S. 163.3213, F.S.

Development that does not conform to the comprehensive plan may not be approved by a local government unless the local government first amends its comprehensive plan. State law requires a proposed comprehensive plan amendment to receive two public hearings, the first held by the local planning board and subsequently by the governing board.[45] Following the hearings, the local government must transmit the plan to several statutorily identified reviewing agencies, including the Department, for review.[46] Most plan amendments are placed into the expedited state review process, while plan amendments relating to large-scale developments are placed into the state coordinated review process.[47]

Live Local Act

The Live Local Act, which became law in 2023, preempts certain county and municipal zoning and land use decisions to encourage development of affordable multifamily rental housing in targeted land use areas.[48] Specifically, counties and municipalities must allow a multi-family or mixed-use residential[49] rental development in any area zoned for commercial, industrial, or mixed-use if at least 40 percent of the residential units in the development are rental units that, for a period of at least 30 years, meet certain affordability requirements.[50]

Local governments are prohibited from restricting the density[51] of qualifying developments below the highest currently allowed density[52] on land within its jurisdiction where residential development is allowed and may not restrict the height below the highest currently allowed height for a commercial or residential development in its jurisdiction within one mile of the proposed development or three stories, whichever is higher.[53] Local governments are also prohibited from restricting the floor area ratio of a proposed development below 150 percent of the highest currently allowed floor area ratio on land within its jurisdiction where residential development is allowed.[54]

An application for a development must be administratively approved, and no further action is required from the governing body of the local government, if the development satisfies the local government's land development regulations for multifamily in areas zoned for such use and is otherwise consistent with the jurisdiction's comprehensive plan, with the exception of provisions establishing density, floor area ratios, height, and land use requirements.[55]

A local government must consider reducing parking requirements for these developments if they are located within one-quarter mile of a transit stop, as the term is defined in the local government's land development code, and the transit stop is accessible from the development.[56]

---

[45] Ss. 163.3174(4)(a), F.S. and 163.3184, F.S.
[46] S. 163.3184, F.S.
[47] *See* ss. 163.3184 and 380.06, F.S. In the Expedited State Review Process, the Department reviews and approves or amends the proposed comprehensive plan amendment. This process can take 4 to 6 months. The State Coordinated Review Process is a more thorough, complex, multi-phase process. For more information, *see*, https://floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/amendments-that-must-follow-the-state-coordinated-review-process-procedures-and-timeframes (last visited May 14, 2025).
[48] Ch. 2023-17, ss. 3, 5, Laws of Fla., codified as ss. 125.01055(7), F.S. and 166.04151(7), F.S.
[49] For mixed-use residential, at least 65 percent of the total square footage must be used for residential purposes. Ss. 125.01055(7)(a) and 166.04151(7)(a), F.S.
[50] Ss. 125.01055(7)(a) and 166.04151(7)(a), F.S.
[51] "Density" means an objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre, *see* s. 163.3164(12), F.S.
[52] For purposes of the Live Local Act, "highest currently allowed density" does not include the density of any building that met the requirements of the Live Local Act or the density of any building that has received any bonus, variance, or other special exception for density provided in the local government's land development regulations as an incentive for development. Ss. 125.01055(7)(b) and 166.04151(7)(b), F.S.
[53] Ss. 125.01055(7)(b) and 166.04151(7)(b), F.S.
[54] Ss. 125.01055(7)(c) and 166.04151(7)(c), F.S.
[55] Ss. 125.01055(7)(e) and 166.04151(7)(e).
[56] Ss. 125.01055(7)(f) and 166.04151(7)(f).

These provisions do not apply to recreational and commercial working waterfronts in industrial areas.[57] Qualifying developments must comply with all other applicable state and local laws and regulations.[58]

These provisions are effective until October 1, 2033.[59]

Wekiva Study Area

The Wekiva Basin, which consists of the Wekiva River,[60] the St. Johns River, and their tributaries and associated lands in central Florida, is part of a vast wildlife corridor that connects northwest Orange County with the Ocala National Forest.[61] Under the Wekiva Parkway Protection Act,[62] the Department of Environmental Protection must study the efficacy and applicability of water quality and wastewater treatment standards needed to reduce nitrogen to protect surface and groundwater quality within the Wekiva Study Area[63] and report its findings to the Governor and the Department of Commerce.[64]

Everglades Protection Area

In 1994, the Legislature enacted the Everglades Forever Act (EFA).[65] The long-term water qualify objective for the Everglades is to implement the optimal combination of source controls, stormwater treatment areas, advanced treatment technologies, and regulatory programs to ensure that all water discharged to the Everglades Protection Area[66] achieve water quality standards consistent with the EFA.[67]

National Register of Historic Places

The National Register of Historic Places (Register) is the official list of the nation's historic places worthy of preservation.[68] Authorized by the National Historic Preservation Act of 1966, the Register is maintained by the National Park Service as a part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archeological resources. As of May 13, 2025, over 100,000 places have been listed in the Register for their significance in American history, art, architecture, engineering, and culture.[69]

---

[57] Ss. 125.01055(7)(k) and 166.04151(7)(k).
[58] Ss. 125.01055(7)(i) and 166.04151(7)(i).
[59] Ss. 125.01055(7)(l) and 166.04151(7)(l), F.S.
[60] The Wekiva River is a spring-fed system associated with 19 springs that are connected to the Floridian Aquifer. *See* DEP, *Wekiva River Aquatic Preserve Management Plan* (Oct. 2014), p. 38, https://floridadep.gov/sites/default/files/Wekiva-River-AP-Management-Plan.pdf (last visited May 15, 2025).
[61] DEP, *Wekiva River Aquatic Preserve Management Plan* (Oct. 2014), p. 7, https://floridadep.gov/sites/default/files/Wekiva-River-AP-Management-Plan.pdf (last visited May 15, 2025).
[62] Part III, Chapter 369, F.S.
[63] The exact geographical location of the Wekiva Study Area is described in s. 369.316, F.S.
[64] S. 369.318(1), F.S.
[65] *See* s. 373.4592, F.S.
[66] The exact geographical location of the Everglades Protection Area is described in s. 373.4592(15), F.S.
[67] Department of Environmental Protection, *Everglades Forever Act*, https://floridadep.gov/owper/eco-restoration/content/everglades-forever-act-efa (last visited May 15, 2025).
[68] NPS, *National Register of Historic Places*, https://www.nps.gov/subjects/nationalregister/index.htm (last visited May 15, 2025).
[69] NPS, *Program Updates: National Register of Historic Places,* https://www.nps.gov/subjects/nationalregister/program-updates.htm (last visited May 15, 2025).

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2023	CS/CS/HB 627	Busatta, Lopez, V.	Calatayud	Approved by the Governor. Created the Live Local Act.
2024	CS/CS/HB 1239	Lopez, V.	Calatayud	Approved by the Governor. Made certain changes to the Live Local Act.