



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2026	.	
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The Committee on Community Affairs (Rouson) recommended the following:

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

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

5 Section 1. Subsection (49) of section 163.3164, Florida
6 Statutes, is amended to read:

7 163.3164 Community Planning Act; definitions.—As used in
8 this act:

9 (49) "Transit-oriented development" or "TOD" means a
10 project or projects, in areas ~~identified in a local government~~



11 ~~comprehensive plan, that are is~~ or will be served by existing or
12 planned transit service. These ~~designated areas must allow shall~~ shall
13 be compact, moderate to high density ~~or intensity~~ developments,
14 of mixed-use character ~~which are, interconnected with other land~~
15 ~~uses, bicycle and pedestrian friendly, and designed to support~~
16 ~~or allow the use frequent transit service operating through,~~
17 ~~collectively or separately, of any of the following:~~

18 (a) A bus rapid transit service as defined in s.

19 163.32035 (3) (d) .

20 (b) A commuter rail service as defined in s. 341.301.

21 (c) An intercity rail transportation system as defined in
22 s. 341.301.

23 (d) A fixed-guideway transportation system as defined in s.

24 341.031(2) .

25 (e) A streetcar system.

26 (f) A bus system rail, fixed guideway, streetcar, or bus
27 systems on dedicated facilities or available roadway
28 connections.

29 Section 2. Section 163.32035, Florida Statutes, is created
30 to read:

31 163.32035 Transit-Oriented Development Act.—The Transit-
32 Oriented Development Act is created to make homeownership,
33 renting, and leasing more affordable for the residents of this
34 state and reduce chronic traffic congestion for the residents of
35 this state, by increasing the supply of housing and allowing
36 more residential and commercial development near transit
37 infrastructure.

38 (1) This section may be cited as the "Transit-Oriented
39 Development Act" or the "TOD Act."



40 (2) The Legislature finds that:
41 (a) The median price of homes in this state increased
42 steadily in the decade preceding 2026, rising at a greater rate
43 of increase than the median income in this state.
44 (b) There is a housing shortage in this state which has
45 caused the costs of homeownership, renting, and leasing to often
46 exceed an amount that is affordable for residents of this state.
47 (c) There is chronic traffic congestion on roadways in this
48 state which constrains economic activity across this state.
49 (d) The housing shortage and chronic traffic congestion
50 constitute threats to the health, safety, and welfare of the
51 residents of this state and are caused, to a significant extent,
52 by regulations imposed by local governments without a compelling
53 governmental interest relating to transit-oriented development.
54 (e) Such regulations substantially burden the basic rights
55 under the State Constitution to acquire, possess, and protect
56 property and inhibit the construction of transit-oriented
57 development.
58 (f) Constructing housing near transit infrastructure, such
59 as rail systems and rapid transit systems, will minimize the
60 traffic congestion caused by new residents and maximize state
61 and local government investments in transit infrastructure.
62 (g) The important public purpose sought to be achieved by
63 allowing an increase in residential and commercial development
64 near transit infrastructure is to increase the supply of housing
65 near transit infrastructure and reduce chronic traffic
66 congestion, which will make homeownership, renting, and leasing
67 more affordable for residents of this state, increase economic
68 activity across this state, and maximize state and local



69 government investments in transit infrastructure.

70 (3) As used in this section, the term:

71 (a) "Adjacent" means that two lots share more than one
72 point of a property line. Lots are not adjacent if separated by
73 a body of water, including manmade lakes or ponds, or by a
74 public easement or other right-of-way, including roads,
75 railroads, or canals.

76 (b) "Adjacent to a single-family home" means adjacent to a
77 lot that is one of at least 25 contiguous residential lots, all
78 of which contain single-family detached homes on the date a
79 development application is submitted.

80 (c) "Building height" means the number of stories or the
81 number of feet measured above grade or, if applicable, above the
82 base flood elevation established by the Federal Emergency
83 Management Agency.

84 (d) "Bus rapid transit service" means a bus service with
85 headways of 15 minutes or less during peak periods which
86 operates in business access and transit lanes or in a right-of-
87 way or lanes dedicated for public transit. If a bus service
88 meets the criteria of this paragraph for one or more parts, but
89 not all, of its route, the term includes only the parts of the
90 route which meet the criteria. As used in this paragraph, the
91 term "dedicated for public transit" means dedicated for at least
92 4 hours per business day. The term "business day" means all
93 calendar days except Saturdays, Sundays, and holidays under s.
94 110.117(1).

95 (e) "By right" means administrative approval by a local
96 government of a development application that objectively
97 complies with applicable zoning regulations and for which the



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98 local government may not impose a public hearing; any action by
99 a governing body, reviewing body, or quasi-judicial body; a
100 variance; a conditional use permit, special permit, or special
101 exception; or any other discretionary regulation.

102 (f) "Compelling governmental interest" means a governmental
103 interest of the highest order which cannot be achieved through
104 less restrictive means. A compelling governmental interest must
105 have a real and substantial connection to protecting public
106 safety, health, or reasonable enjoyments and expectations of
107 property, such as requiring structural integrity, safe plumbing,
108 or safe electricity of buildings, or preventing and abating
109 nuisances.

110 (g) "Development" has the same meaning as in s. 380.04(1)
111 and includes the division of a parent parcel into two or more
112 lots.

113 (h) "Development application" means an application for
114 approval of any of the following:

115 1. A lot split or subdivision.
116 2. A plat or replat.
117 3. A development bonus for additional height, density, or
118 floor area ratio.

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

121 5. Any other development order or development permit as
122 those terms are defined in s. 163.3164, except for building
123 permits.

124 (i) "Eligible lot" means a lot that is:
125 1. Zoned for residential, commercial, industrial, or mixed
126 use; or



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127 2. Partly or wholly located within a flexibly zoned area
128 where development is permitted for a use thereof,
129
130 and is not located within an area of critical state concern
131 designated pursuant to s. 380.05.

132 (j) "Impose" means request or adopt, enact, establish,
133 Maintain, enforce, mandate, compel, force, or otherwise require.

134 (k) "Local government" means a county, municipality, or
135 special district.

136 (l) "Lot" means a parcel, tract, tier, block, site, unit,
137 or any other division of land.

138 (m) "Nuisance" means persistent activity that injures the
139 physical condition or interferes with the use of adjacent land,
140 is injurious to health or safety, or objectively offends the
141 senses.

142 (n) "Objectively" means in a way that involves no personal
143 or subjective judgment by a public official and that is
144 uniformly verifiable by reference to an external and uniform
145 benchmark or criterion available and knowable by both the local
146 government and the development applicant, development proponent,
147 or property owner, as applicable.

148 (o) "Parent parcel" means the original lot from which
149 subsequent lots are created.

150 (p) "Permanent public transit stop" means a stop or station
151 for passenger use of a bus rapid transit service, a commuter
152 rail service as defined in s. 341.301, an intercity rail
153 transportation system as defined in s. 341.301, a fixed-guideway
154 transportation system as defined in s. 341.031(2), or a
155 streetcar system. The term does not include any of the



156 following:

157 1. A stop or station for a people-mover system in a public-
158 use airport as defined in s. 332.004.

159 2. A stop or station that is used exclusively for a freight
160 rail service as defined in s. 343.545(1).

161 3. A stop or station in a rural community as defined in s.
162 288.0656(2) for an intercity rail transportation system.

163 (q) "Population" means, for a county or municipality, the
164 highest of the following population estimates:

165 1. The most recent decennial United States Census.

166 2. The most recent United States Census Bureau American
167 Community Survey 5-year estimate.

168 3. The most recent United States Census Bureau American
169 Community Survey 1-year estimate.

170 (r) "Regulation" means a comprehensive plan, a development
171 order, or a land development regulation as those terms are
172 defined in s. 163.3164 or any other local government ordinance,
173 resolution, policy, action, procedure, condition, guideline,
174 development agreement, or land development code.

175 (s) "Tier 1 TOD zone" means the area of all eligible lots
176 partly or wholly within a one-quarter mile radius of a permanent
177 public transit stop.

178 (t) "Tier 2 TOD zone" means the area of all eligible lots
179 partly or wholly within a one-quarter mile to one-half mile
180 radius of a permanent public transit stop, excluding any
181 eligible lot within a Tier 1 TOD zone.

182 (u) "Transit-oriented development" or "TOD" has the same
183 meaning as in s. 163.3164.

184 (4) (a) 1. By December 1, 2026, the governing body of each



185 county or municipality shall adopt an ordinance, and the
186 governing body of each special district shall adopt a
187 resolution, establishing Tier 1 TOD zones and Tier 2 TOD zones
188 for each permanent public transit stop that was open for public
189 use within the local government's jurisdiction during at least
190 one day between January 1, 2026, and July 1, 2026, or that
191 received a notice to proceed for construction within the local
192 government's jurisdiction before July 1, 2026. By December 1,
193 2026, the local government shall incorporate TOD zones into its
194 comprehensive plan, notwithstanding s. 163.3184, land
195 development regulations, and any other applicable regulations.

196 2. After December 1, 2026, the governing body of each
197 county or municipality shall adopt an ordinance, and the
198 governing body of each special district shall adopt a
199 resolution, establishing Tier 1 TOD zones and Tier 2 TOD zones
200 for each permanent public transit stop that opens for public use
201 within the local government's jurisdiction after July 1, 2026,
202 or that receives a notice to proceed for construction within the
203 local government's jurisdiction after July 1, 2026. The local
204 government shall establish such TOD zones within 6 months after
205 the permanent public transit stop opens for public use or
206 receives a notice to proceed for construction, whichever occurs
207 first.

208 (b)1. In addition to other existing and lawful uses, the
209 local government shall zone all eligible lots located within a
210 Tier 1 TOD zone or a Tier 2 TOD zone for mixed use. For purposes
211 of this subparagraph, the term "mixed use" means that single-
212 family and multifamily residential use, commercial use, and a
213 combination thereof are allowable uses by right, and the term

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214 "commercial use" means activities associated with the sale,
215 rental, or distribution of products or the performance of
216 services related thereto, including, but not limited to, retail
217 sales and services; wholesale sales; rentals of equipment,
218 goods, or products; offices; restaurants; hotels as described in
219 s. 509.242(1)(a); food service vendors; sports arenas; theaters;
220 tourist attractions; and other for-profit business activities.

221 The term "commercial use" does not include:

222 a. Home-based businesses or cottage food operations
223 undertaken on residential property, vacation rentals as
224 described in s. 509.242(1)(c), or uses that are accessory,
225 ancillary, incidental to the allowable uses, or allowed only on
226 a temporary basis; or
227 b. Farms or farm operations as those terms are defined in
228 s. 823.14(3) or uses associated therewith, including the
229 packaging and sale of products raised on the premises.

230 2. In Tier 1 TOD zones, a local government may not impose
231 regulations that require any of the following:

232 a. A maximum building height of less than 8 stories or 85
233 feet, or less than 4 stories or 45 feet for eligible lots
234 adjacent to a single-family home.

235 b. A maximum floor area ratio for residential use of less
236 than 6.0, or less than 3.0 for eligible lots adjacent to a
237 single-family home.

238 c. A maximum floor area ratio for commercial use of less
239 than 3.0, or less than 2.0 for eligible lots adjacent to a
240 single-family home.

241 d. Any minimum setback requirement for the side, front, and
242 rear property lines.



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243 e. A requirement that greater than 10 percent of the lot
244 area be reserved for open space or permeable surface.

245 f. A required minimum number of parking spaces.

247 The maximum building heights and floor area ratios specified in
248 this subparagraph are doubled for any eligible lot located
249 partly or wholly within a county with a population that exceeds
250 800,000 or within a municipality with a population that exceeds
251 75,000.

252 3. In Tier 2 TOD zones, a local government may not impose
253 regulations that require any of the following:

254 a. A maximum building height of less than 4 stories or 45
255 feet, or less than 3 stories or 35 feet for eligible lots
256 adjacent to a single-family home.

257 b. A maximum floor area ratio for residential use of less
258 than 3.0, or less than 2.0 for eligible lots adjacent to a
259 single-family home.

260 c. A maximum floor area ratio for commercial use of less
261 than 3.0, or less than 2.0 for eligible lots adjacent to a
262 single-family home.

263 d. Any minimum setback requirement for the side, front, or
264 rear property lines.

265 e. A requirement that greater than 20 percent of the lot
266 area be reserved for open space or permeable surface.

267 f. A required minimum number of parking spaces.

269 The maximum building heights and floor area ratios specified in
270 this subparagraph are doubled for any eligible lot located
271 partly or wholly within a county with a population that exceeds



800,000 or within a municipality with a population that exceeds
75,000.

4. For an eligible lot within a Tier 1 TOD zone or Tier 2
TOD zone, a local government may not impose any of the
following:

a. Any limitation, restriction, or prohibition on single-
family or multifamily dwellings.

b. A maximum density, including, but not limited to, a
maximum number of dwelling units per lot or per acre.

c. A minimum size for dwellings or dwelling units greater
than that required by the Florida Building Code.

(c) A TOD zone established pursuant to this subsection may
not be reduced or eliminated thereafter, including for the
closure of a permanent public transit stop after the TOD zone is
established.

(5) A local government may not impose a regulation that
prohibits, limits, or otherwise restricts residential or
commercial development authorized within a TOD zone under this
section for any eligible lot that contains historic property as
defined in s. 267.021, except:

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

(b) Regulations that prohibit, limit, or otherwise restrict
demolition or alteration of a structure or building that is
individually listed in the National Register of Historic Places
or that is a contributing structure or building within a
historic district which was listed in the National Register of
Historic Places before January 1, 2000.

(6) (a) A property owner or housing organization that is



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

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

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

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

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

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

- 327 1. Enter a declaratory judgment as provided by chapter 86.
- 328 2. Issue a writ of mandamus.
- 329 3. Issue an injunction to prevent a violation of this



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 (7) Sovereign immunity is waived for local governments to
337 the extent that liability is created under this section.

338 (8) A public transit provider as defined in s. 341.031(1)
339 is encouraged to develop land within Tier 1 and Tier 2 TOD zones
340 in accordance with this section. Any net proceeds from such
341 development shall be kept in the public transit agency's fund
342 for operations, maintenance, and capital improvements. Public
343 agencies, such as the Department of Transportation and local
344 governments, are also encouraged to develop the land within Tier
345 1 and Tier 2 TOD zones in accordance with this section and to
346 transfer a portion of the net proceeds to the public transit
347 agency's fund for operations, maintenance, and capital
348 improvements.

349 (9) The intent of this section is set forth in subsection
350 (2). This section applies retroactively to any local government
351 regulation that is contrary to this section or its intent. This
352 section is remedial and shall be liberally construed to
353 effectuate its intent. Any local government regulation contrary
354 to this section is void and unenforceable to the extent that it
355 conflicts with this section or its intent.

356 (10) If any provision of this section or its application to
357 any person or circumstance is held invalid, the invalidity does
358 not affect any other provisions or applications of this section



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which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

362 Section 3. This act shall take effect July 1, 2026.

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

365 And the title is amended as follows:

366 Delete everything before the enacting clause
367 and insert:

368 A bill to be entitled

An act relating to transportation infrastructure land development regulations; amending s. 163.3164, F.S.; revising the definition of the term "transit-oriented development"; creating s. 163.32035, F.S.; creating the "Transit-Oriented Development Act" for a specified purpose; providing a short title; providing legislative findings; defining terms; requiring the governing body of a county or municipality to adopt an ordinance, and the governing body of a special district to adopt a resolution, establishing specified transit-oriented development (TOD) zones by a certain date; requiring that such TOD zones be incorporated into the local government comprehensive plan and land development regulations; requiring the governing body of a county or municipality to adopt ordinances, and the governing body of a special district to adopt resolutions, establishing specified TOD zones for permanent public transit stops that open for public use or receive notices to proceed for construction

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388 after a specified date; requiring a local government
389 to zone eligible lots within TOD zones for mixed use;
390 defining the terms "mixed use" and "commercial use";
391 prohibiting a local government from imposing certain
392 regulations in specified TOD zones; prohibiting the
393 reduction or elimination of TOD zones after
394 establishment; prohibiting a local government from
395 imposing certain regulations for eligible lots that
396 contain historic property; providing exceptions;
397 providing a private cause of action for certain
398 property owners and housing organizations; defining
399 the term "housing organization"; specifying the
400 procedure for such actions; authorizing the award of
401 specified relief; providing that a prevailing
402 plaintiff is entitled to attorney fees and costs;
403 providing a waiver of sovereign immunity; encouraging
404 public transit providers and public agencies to
405 develop land within specified TOD zones; requiring
406 that net proceeds from such development be kept in a
407 specified fund for certain purposes; providing
408 retroactive application; providing for liberal
409 construction; preempting certain local government
410 regulations; providing severability; providing an
411 effective date.