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LEGISLATIVE ACTION

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

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



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

(a) A bus rapid transit service as defined in s. 163.32035(3)(d).

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

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

(d) A fixed-guideway transportation system as defined in s. 341.031(2).

(e) A streetcar system.

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

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

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

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



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(2) The Legislature finds that:

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

(b) There is a housing shortage in this state which has caused the costs of homeownership, renting, and leasing to often exceed an amount that is affordable for residents of this state.

(c) There is chronic traffic congestion on roadways in this state which constrains economic activity across this state.

(d) The housing shortage and chronic traffic congestion constitute threats to the health, safety, and welfare of the residents of this state and are caused, to a significant extent, by regulations imposed by local governments without a compelling governmental interest relating to transit-oriented development.

(e) Such regulations substantially burden the basic rights under the State Constitution to acquire, possess, and protect property and inhibit the construction of transit-oriented development.

(f) Constructing housing near transit infrastructure, such as rail systems and rapid transit systems, will minimize the traffic congestion caused by new residents and maximize state and local government investments in transit infrastructure.

(g) The important public purpose sought to be achieved by allowing an increase in residential and commercial development near transit infrastructure is to increase the supply of housing near transit infrastructure and reduce chronic traffic congestion, which will make homeownership, renting, and leasing more affordable for residents of this state, increase economic activity across this state, and maximize state and local



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government investments in transit infrastructure.

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

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

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

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

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

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



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

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

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

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

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

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

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

(i) "Eligible lot" means a lot that is:

1. Zoned for residential, commercial, industrial, or mixed use; or



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2. Partly or wholly located within a flexibly zoned area
where development is permitted for a use thereof,

and is not located within an area of critical state concern
designated pursuant to s. 380.05.

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

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

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

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

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

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

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



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following:

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

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

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

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

1. The most recent decennial United States Census.

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

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

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

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

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

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

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



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

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

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



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

The term "commercial use" does not include:

a. Home-based businesses or cottage food operations undertaken on residential property, vacation rentals as described in s. 509.242(1)(c), or uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis; or

b. Farms or farm operations as those terms are defined in s. 823.14(3) or uses associated therewith, including the packaging and sale of products raised on the premises.

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

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

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

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

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



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

f. A required minimum number of parking spaces.

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

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

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

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

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

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

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

f. A required minimum number of parking spaces.

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



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

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

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

a. In furtherance of a compelling governmental interest;
and

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

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

1. Enter a declaratory judgment as provided by chapter 86.

2. Issue a writ of mandamus.

3. Issue an injunction to prevent a violation of this



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section.

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

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

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

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

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

(10) If any provision of this section or its application to any person or circumstance is held invalid, the invalidity does 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.

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

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

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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after a specified date; requiring a local government to zone eligible lots within TOD zones for mixed use; defining the terms "mixed use" and "commercial use"; prohibiting a local government from imposing certain regulations in specified TOD zones; prohibiting the reduction or elimination of TOD zones after establishment; prohibiting a local government from imposing certain regulations for eligible lots that contain historic property; providing exceptions; providing a private cause of action for certain property owners and housing organizations; defining the term "housing organization"; specifying the procedure for such actions; authorizing the award of specified relief; providing that a prevailing plaintiff is entitled to attorney fees and costs; providing a waiver of sovereign immunity; encouraging public transit providers and public agencies to develop land within specified TOD zones; requiring that net proceeds from such development be kept in a specified fund for certain purposes; providing retroactive application; providing for liberal construction; preempting certain local government regulations; providing severability; providing an effective date.