



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 to Amendment (219360) (with title**
2 **amendment)**

3 Delete lines 49 - 356

5 and insert:

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

10 (e) The important public purpose sought to be achieved by



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11 allowing an increase in residential and commercial development
12 near transit infrastructure is to increase the supply of housing
13 near transit infrastructure and reduce chronic traffic
14 congestion, which will make homeownership, renting, and leasing
15 more affordable for residents of this state, increase economic
16 activity across this state, and maximize state and local
17 government investments in transit infrastructure.

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

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

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

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

32 (d) "Bus rapid transit service" means a bus service with
33 headways of 15 minutes or less during peak periods which
34 operates in business access and transit lanes or in a right-of-
35 way or lanes dedicated for public transit. If a bus service
36 meets the criteria of this paragraph for one or more parts, but
37 not all, of its route, the term includes only the parts of the
38 route which meet the criteria. As used in this paragraph, the
39 term "dedicated for public transit" means dedicated for at least



40 4 hours per business day. The term "business day" means all
41 calendar days except Saturdays, Sundays, and holidays under s.
42 110.117(1) .

43 (e) "By right" means administrative approval by a local
44 government of a development application that objectively
45 complies with applicable zoning regulations and for which the
46 local government may not impose a public hearing; any action by
47 a governing body, reviewing body, or quasi-judicial body; a
48 variance; a conditional use permit, special permit, or special
49 exception; or any other discretionary regulation.

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

53 (g) "Development application" means an application for
54 approval of any of the following:

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

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

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

64 (h) "Eligible lot" means a lot that is:

65 1. Zoned for residential, commercial, industrial, or mixed
66 use; or
67 2. Partly or wholly located within a flexibly zoned area
68 where development is permitted for a use thereof,



69
70 and is not located within an area of critical state concern
71 designated pursuant to s. 380.05.

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

74 (j) "Local government" means a county, municipality, or
75 special district.

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

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

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

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

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

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

97 3. A stop or station in a rural community as defined in s.



288.0656(2) for an intercity rail transportation system.

(o) "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.

(p) "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.

(q) "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.

(r) "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.

(s) "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 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



127 received a notice to proceed for construction within the local
128 government's jurisdiction before July 1, 2026. By December 1,
129 2026, the local government shall incorporate TOD zones into its
130 comprehensive plan, notwithstanding s. 163.3184, land
131 development regulations, and any other applicable regulations.

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

144 (b) 1. In addition to other existing and lawful uses, the
145 local government shall zone all eligible lots located within a
146 Tier 1 TOD zone or a Tier 2 TOD zone for mixed use. For purposes
147 of this subparagraph, the term "mixed use" means that single-
148 family and multifamily residential use, commercial use, and a
149 combination thereof are allowable uses by right, and the term
150 "commercial use" means activities associated with the sale,
151 rental, or distribution of products or the performance of
152 services related thereto, including, but not limited to, retail
153 sales and services; wholesale sales; rentals of equipment,
154 goods, or products; offices; restaurants; hotels as described in
155 s. 509.242(1)(a); food service vendors; sports arenas; theaters;



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156 tourist attractions; and other for-profit business activities.
157 The term "commercial use" does not include:
158 a. Home-based businesses or cottage food operations
159 undertaken on residential property, vacation rentals as
160 described in s. 509.242(1)(c), or uses that are accessory,
161 ancillary, incidental to the allowable uses, or allowed only on
162 a temporary basis; or
163 b. Farms or farm operations as those terms are defined in
164 s. 823.14(3) or uses associated therewith, including the
165 packaging and sale of products raised on the premises.
166 2. In Tier 1 TOD zones, a local government may not impose
167 regulations that require any of the following:
168 a. A maximum building height of less than 8 stories or 85
169 feet, or less than 4 stories or 45 feet for eligible lots
170 adjacent to a single-family home.
171 b. A maximum floor area ratio for residential use of less
172 than 6.0, or less than 3.0 for eligible lots adjacent to a
173 single-family home.
174 c. A maximum floor area ratio for commercial use of less
175 than 3.0, or less than 2.0 for eligible lots adjacent to a
176 single-family home.
177 d. Any minimum setback requirement for the side, front, and
178 rear property lines.
179 e. A requirement that greater than 10 percent of the lot
180 area be reserved for open space or permeable surface.
181 f. A required minimum number of parking spaces.
182
183 The maximum building heights and floor area ratios specified in
184 this subparagraph are doubled for any eligible lot located



185 partly or wholly within a county with a population that exceeds
186 800,000 or within a municipality with a population that exceeds
187 75,000.

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

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

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

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

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

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

203 f. A required minimum number of parking spaces.

204
205 The maximum building heights and floor area ratios specified in
206 this subparagraph are doubled for any eligible lot located
207 partly or wholly within a county with a population that exceeds
208 800,000 or within a municipality with a population that exceeds
209 75,000.

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

213 a. Any limitation, restriction, or prohibition on single-



214 family or multifamily dwellings.

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

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

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

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

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

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

236 (6) (a) A property owner or housing organization that is
237 aggrieved or adversely affected by a regulation imposed by a
238 local government in violation of this section may maintain a
239 cause of action for damages in the county in which the property
240 is located. As used in this paragraph, the term "housing
241 organization" means a trade or industry group that constructs or
242 manages housing units, a nonprofit organization that provides or



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243 advocates for increased access or reduced barriers to housing,
244 or a nonprofit organization that is engaged in public policy
245 research, education, or outreach that includes housing-policy-
246 related issues.

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

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

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

256 2. Issue a writ of mandamus.

257 3. Issue an injunction to prevent a violation of this
258 section.

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

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

264 (7) A public transit provider as defined in s. 341.031(1)
265 is encouraged to develop land within Tier 1 and Tier 2 TOD zones
266 in accordance with this section. Any net proceeds from such
267 development shall be kept in the public transit agency's fund
268 for operations, maintenance, and capital improvements. Public
269 agencies, such as the Department of Transportation and local
270 governments, are also encouraged to develop the land within Tier
271 1 and Tier 2 TOD zones in accordance with this section and to



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272 transfer a portion of the net proceeds to the public transit
273 agency's fund for operations, maintenance, and capital
274 improvements.

275 (8) If any provision of this section or its application to

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

278 And the title is amended as follows:

279 Delete lines 403 - 410

280 and insert:

281 encouraging public transit providers and public
282 agencies to develop land within specified TOD zones;
283 requiring that net proceeds from such development be
284 kept in a specified fund for certain purposes;
285 providing severability; providing an