

By Senator Rouson

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A bill to be entitled

An act relating to transportation infrastructure land development regulations; providing a short title; creating s. 163.32035, F.S.; 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 and rural livable urban village (LUV) areas by a certain date; requiring a local government to zone for mixed use, and authorize certain commercial uses for, lots within TOD zones and rural LUV areas; defining the term "mixed use"; prohibiting a local government from imposing certain building regulations in specified TOD zones and rural LUV areas; prohibiting the reduction or elimination of TOD zones after establishment; prohibiting a local government from imposing certain regulations for lots that contain historic property; providing an exception; providing a private cause of action for certain real 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, public agencies, and local governments to develop land within specified TOD zones; requiring

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30 that net proceeds from such development be kept in a
31 specified fund for certain purposes; providing an
32 effective date.

33
34 Be It Enacted by the Legislature of the State of Florida:

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36 Section 1. This act may be cited as the "Transit-Oriented
37 Development Act" or the "TOD Act."

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

40 163.32035 Land development regulations; regulation of
41 housing near transportation infrastructure.—

42 (1) The Legislature finds that:

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

46 (b) There is a housing shortage in this state which has
47 caused the costs of home ownership and renting to often exceed
48 an amount that is affordable for residents of this state.

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

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

57 (e) Such regulations substantially burden the basic rights
58 under the State Constitution to acquire, possess, and protect

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59 property and inhibit the construction of transit-oriented
60 development and livable urban villages.

61 (f) The optimal location to construct housing is near
62 transit infrastructure, such as rail systems and rapid transit
63 systems, to minimize the traffic congestion of new residents and
64 to maximize state investments in transportation.

65 (g) The public purpose sought to be achieved by allowing
66 housing and commercial development near transit infrastructure
67 and in livable urban villages is to increase the supply of
68 housing near transit infrastructure and reduce chronic traffic
69 congestion, thereby making homeownership and renting more
70 affordable, increasing economic activity across this state, and
71 maximizing state investments in transportation.

72 (2) As used in this section, the term:

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

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

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

86 (d) "Compelling governmental interest" means a governmental
87 interest of the highest order that cannot be achieved through

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88 less restrictive means. A compelling governmental interest must
89 have a real and substantial connection to protecting public
90 safety, health, or reasonable enjoyments and expectations of
91 property, such as requiring structural integrity, safe plumbing,
92 or safe electricity of buildings, or preventing and abating
93 nuisances.

94 (e) "Livable urban village" or "LUV" means an area where
95 residential development is allowed on lots that are zoned for
96 commercial, industrial, and mixed use, so that housing may be
97 constructed near amenities and jobs.

98 (f) "Local government" means a county, municipality, or
99 special district.

100 (g) "Lot" means a parcel, tract, tier, block, site, unit,
101 or any other division of land that is:

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

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

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

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

113 (i) "Permanent public transit stop" means a stop or station
114 for a bus rapid transit service, a rail service, a commuter rail
115 service as defined in s. 341.301, an intercity rail
116 transportation system as defined in s. 341.301, or a fixed-

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117 guideway transportation system as defined in 341.031(2). The
118 term does not include a stop or station for a people-mover
119 system in a public-use airport as defined in s. 332.004 or an
120 intercity rail transportation system in a rural community as
121 defined in s. 288.0656(2).

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

124 1. The most recent decennial United States Census.

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

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

129 (k) "Rural LUV area" means an area composed of lots that
130 are located in the county seat, or the largest municipality by
131 population, of a county that is a rural community as defined in
132 s. 288.0656(2), which lots are zoned for commercial, industrial,
133 or mixed use or are partly or wholly within a flexibly zoned
134 area where development is permitted for commercial, industrial,
135 or mixed use.

136 (l) "Tier 1 TOD zone" means the area of all lots partly or
137 wholly within a one-quarter mile radius of a permanent public
138 transit stop that is open for use on or after January 1, 2026.

139 (m) "Tier 2 TOD zone" means the area of all lots partly or
140 wholly within a one-quarter mile to one-half mile radius of a
141 permanent public transit stop that is open for use on or after
142 January 1, 2026, excluding any lot within a Tier 1 TOD zone.

143 (n) "Transit-oriented development" or "TOD" means a mixed-
144 use development that is all of the following:

145 1. High density or high intensity.

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146 2. Located near a permanent public transit stop.
147 3. Intended to promote transportation by walking,
148 bicycling, or public transit.

149 (3) (a) By December 1, 2026, the governing body of a county
150 or municipality shall adopt an ordinance, and the governing body
151 of a special district shall adopt a resolution, establishing
152 Tier 1 TOD zones, Tier 2 TOD zones, and rural LUV areas.

153 1. For all lots located within a Tier 1 TOD zone, a Tier 2
154 TOD zone, or a rural LUV area, a local government shall do all
155 of the following:

156 a. Zone the lots for mixed use. For purposes of this sub-
157 subparagraph, the term "mixed use" means that residential use,
158 commercial use, and a combination thereof are allowable uses, in
159 addition to any existing industrial use, if applicable.

160 b. Authorize commercial uses that include, but are not
161 limited to, hotels; restaurants; offices, including medical and
162 dental offices; financial services, including banks and credit
163 unions; and retail sales and services, including grocery stores
164 and pharmacies.

165 2. In Tier 1 TOD zones, a local government may not impose
166 any of the following:

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

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

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

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175 home.176 d. Any minimum setback requirement for the side, front, and
177 rear property lines.178 e. A requirement that greater than 10 percent of the lot
179 area be reserved for open space or permeable surface.180 f. A required minimum number of parking spaces.182 The maximum building heights and floor area ratios specified in
183 this subparagraph are doubled for any lot located partly or
184 wholly within a county with a population that exceeds 800,000 or
185 within a municipality with a population that exceeds 75,000.186 3. In Tier 2 TOD zones, a local government may not impose
187 any of the following:188 a. A maximum building height of less than 4 stories or 45
189 feet, or less than 3 stories or 35 feet for lots adjacent to a
190 single-family home.191 b. A maximum floor area ratio for residential use of less
192 than 3.0, or less than 2.0 for lots adjacent to a single-family
193 home.194 c. A maximum floor area ratio for commercial use of less
195 than 3.0, or less than 2.0 for lots adjacent to a single-family
196 home.197 d. Any minimum setback requirement for the side, front, or
198 rear property lines.199 e. A requirement that greater than 20 percent of the lot
200 area be reserved for open space or permeable surface.201 f. A required minimum number of parking spaces.203 The maximum building heights and floor area ratios specified in

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204 this subparagraph are doubled for any lot located partly or
205 wholly within a county with a population that exceeds 800,000 or
206 within a municipality with a population that exceeds 75,000.

207 4. In rural LUV areas, a local government may not impose
208 any of the following:

209 a. A maximum building height of less than 4 stories or 45
210 feet.

211 b. A maximum floor area ratio for residential use of less
212 than 3.0.

213 c. A maximum floor area ratio for commercial use of less
214 than 2.0.

215 d. A minimum setback requirement of greater than 0 feet
216 from the side property lines, 10 feet from the rear property
217 line, or 20 feet from the front property line.

218 e. A requirement that greater than 30 percent of the lot
219 area be reserved for open space or permeable surface.

220 f. A required minimum number of parking spaces greater than
221 1 per residential dwelling unit.

222 5. For a lot within a TOD zone or rural LUV area, a local
223 government may not impose any of the following:

224 a. Any limitation, restriction, or prohibition regarding
225 any type of single-family or multifamily use.

226 b. A maximum density, such as a maximum number of dwelling
227 units per acre.

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

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

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233 established.

234 (4) A local government may not impose a regulation that
235 prohibits, limits, or otherwise restricts residential or
236 commercial development authorized within a TOD zone under this
237 section for any lot that contains historic property as defined
238 in s. 267.021, except for any regulation that prohibits, limits,
239 or otherwise restricts demolition or alteration of a structure
240 or building that is individually listed in the National Register
241 of Historic Places or that is a contributing structure or
242 building within a historic district which was listed in the
243 National Register of Historic Places before January 1, 2000.

244 (5) (a) A real property owner or housing organization that
245 is aggrieved or adversely affected by a regulation imposed by a
246 local government in violation of this section may maintain a
247 cause of action for damages in the county in which the real
248 property is located. As used in this paragraph, the term
249 "housing organization" means a trade or industry group that
250 constructs or manages housing units, a nonprofit organization
251 that provides or advocates for increased access or reduced
252 barriers to housing, or a nonprofit organization that is engaged
253 in public policy research, education, or outreach that includes
254 housing-policy-related issues.

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

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

266 a. In furtherance of a compelling governmental interest;
267 and

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

270 (c) The court may do any of the following:
271 1. Enter a declaratory judgment as provided by chapter 86.
272 2. Issue a writ of mandamus.
273 3. Issue an injunction to prevent a violation of this
274 section.

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

277 (d) The prevailing plaintiff is entitled to recover
278 reasonable attorney fees and costs, including reasonable
279 appellate attorney fees and costs.

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

282 (7) A public transit provider as defined in s. 341.031(1)
283 is encouraged to develop land within Tier 1 and Tier 2 TOD zones
284 in accordance with this section. Any net proceeds from such
285 development shall be kept in the public transit agency's fund
286 for operations, maintenance, and capital improvements. Public
287 agencies, such as the Department of Transportation and local
288 governments, are also encouraged to develop the land within Tier
289 1 and Tier 2 TOD zones in accordance with this section and to
290 transfer a portion of the net proceeds to the public transit

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291 agency's fund for operations, maintenance, and capital
292 improvements.

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