

By Senator Rouson

16-01072A-26

20261342__

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

16-01072A-26

20261342__

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

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

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

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

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

(1) 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 home ownership and renting 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 land use and development 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

16-01072A-26

20261342__

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

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

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

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

16-01072A-26

20261342__

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.

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

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

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

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

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.

(h) "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.

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

16-01072A-26

20261342__

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.

16-01072A-26

20261342__

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

16-01072A-26

20261342__

home.

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

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 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 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 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 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 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

16-01072A-26

20261342__

this subparagraph are doubled for any 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.

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

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

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

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

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

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

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

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

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

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

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

(b) 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

16-01072A-26

20261342__

established.

(4) 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 lot that contains historic property as defined in s. 267.021, except for any regulation that prohibits, limits, or otherwise restricts 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.

(5) (a) A real property owner or housing organization that is 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 real 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.

16-01072A-26

20261342__

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

16-01072A-26

20261342__

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

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