

**By** the Committee on Community Affairs; and Senator Rouson

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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 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;

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30 providing a private cause of action for certain  
31 property owners and housing organizations; defining  
32 the term "housing organization"; specifying the  
33 procedure for such actions; authorizing the award of  
34 specified relief; providing that a prevailing  
35 plaintiff is entitled to attorney fees and costs;  
36 encouraging public transit providers and public  
37 agencies to develop land within specified TOD zones;  
38 requiring that net proceeds from such development be  
39 kept in a specified fund for certain purposes;  
40 providing severability; providing an effective date.  
41

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

43  
44 Section 1. Subsection (49) of section 163.3164, Florida  
45 Statutes, is amended to read:

46 163.3164 Community Planning Act; definitions.—As used in  
47 this act:

48 (49) "Transit-oriented development" or "TOD" means a  
49 project or projects, in areas ~~identified in a local government~~  
50 ~~comprehensive plan~~, that are ~~is~~ or will be served by existing or  
51 planned transit service. These ~~designated~~ areas must allow ~~shall~~  
52 be compact, moderate to high density or intensity developments,  
53 of mixed-use character which are, ~~interconnected with other land~~  
54 ~~uses~~, bicycle and pedestrian friendly, and designed to support  
55 ~~or allow the use~~ ~~frequent transit service operating through~~,  
56 collectively or separately, of any of the following:

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

58 163.32035(3) (d).

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59       (b) A commuter rail service as defined in s. 341.301.  
60       (c) An intercity rail transportation system as defined in  
61 s. 341.301.  
62       (d) A fixed-guideway transportation system as defined in s.  
63 341.031(2) .  
64       (e) A streetcar system.  
65       (f) A bus system ~~rail, fixed guideway, streetcar, or bus~~  
66 ~~systems~~ on dedicated facilities or available roadway  
67 connections.

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

70       163.32035 Transit-Oriented Development Act.—The Transit-  
71 Oriented Development Act is created to make homeownership,  
72 renting, and leasing more affordable for the residents of this  
73 state and reduce chronic traffic congestion for the residents of  
74 this state, by increasing the supply of housing and allowing  
75 more residential and commercial development near transit  
76 infrastructure.

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

79       (2) The Legislature finds that:

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

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

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

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

92        (e) The important public purpose sought to be achieved by  
93        allowing an increase in residential and commercial development  
94        near transit infrastructure is to increase the supply of housing  
95        near transit infrastructure and reduce chronic traffic  
96        congestion, which will make homeownership, renting, and leasing  
97        more affordable for residents of this state, increase economic  
98        activity across this state, and maximize state and local  
99        government investments in transit infrastructure.

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

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

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

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

114        (d) "Bus rapid transit service" means a bus service with  
115        headways of 15 minutes or less during peak periods which  
116        operates in business access and transit lanes or in a right-of-

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117 way or lanes dedicated for public transit. If a bus service  
118 meets the criteria of this paragraph for one or more parts, but  
119 not all, of its route, the term includes only the parts of the  
120 route which meet the criteria. As used in this paragraph, the  
121 term "dedicated for public transit" means dedicated for at least  
122 4 hours per business day. The term "business day" means all  
123 calendar days except Saturdays, Sundays, and holidays under s.  
124 110.117(1).

125 (e) "By right" means administrative approval by a local  
126 government of a development application that objectively  
127 complies with applicable zoning regulations and for which the  
128 local government may not impose a public hearing; any action by  
129 a governing body, reviewing body, or quasi-judicial body; a  
130 variance; a conditional use permit, special permit, or special  
131 exception; or any other discretionary regulation.

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

135 (g) "Development application" means an application for  
136 approval of any of the following:

137 1. A lot split or subdivision.

138 2. A plat or replat.

139 3. A development bonus for additional height, density, or  
140 floor area ratio.

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

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

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

147        1. Zoned for residential, commercial, industrial, or mixed

148 use; or

149        2. Partly or wholly located within a flexibly zoned area

150 where development is permitted for a use thereof,

151 and is not located within an area of critical state concern

152 designated pursuant to s. 380.05.

153        (i) "Impose" means request or adopt, enact, establish,

154 maintain, enforce, mandate, compel, force, or otherwise require.

155        (j) "Local government" means a county, municipality, or

156 special district.

157        (k) "Lot" means a parcel, tract, tier, block, site, unit,

158 or any other division of land.

159        (l) "Objectively" means in a way that involves no personal

160 or subjective judgment by a public official and that is

161 uniformly verifiable by reference to an external and uniform

162 benchmark or criterion available and knowable by both the local

163 government and the development applicant, development proponent,

164 or property owner, as applicable.

165        (m) "Parent parcel" means the original lot from which

166 subsequent lots are created.

167        (n) "Permanent public transit stop" means a stop or station

168 for passenger use of a bus rapid transit service, a commuter

169 rail service as defined in s. 341.301, an intercity rail

170 transportation system as defined in s. 341.301, a fixed-guideway

171 transportation system as defined in s. 341.031(2), or a

172 streetcar system. The term does not include any of the

173 following:

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

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

179       3. A stop or station in a rural community as defined in s.  
180       288.0656(2) for an intercity rail transportation system.

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

183       1. The most recent decennial United States Census.

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

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

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

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

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

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

202       (4) (a)1. By December 1, 2026, the governing body of each  
203       county or municipality shall adopt an ordinance, and the

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204 governing body of each special district shall adopt a  
205 resolution, establishing Tier 1 TOD zones and Tier 2 TOD zones  
206 for each permanent public transit stop that was open for public  
207 use within the local government's jurisdiction during at least  
208 one day between January 1, 2026, and July 1, 2026, or that  
209 received a notice to proceed for construction within the local  
210 government's jurisdiction before July 1, 2026. By December 1,  
211 2026, the local government shall incorporate TOD zones into its  
212 comprehensive plan, notwithstanding s. 163.3184, land  
213 development regulations, and any other applicable regulations.

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

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

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233 rental, or distribution of products or the performance of  
234 services related thereto, including, but not limited to, retail  
235 sales and services; wholesale sales; rentals of equipment,  
236 goods, or products; offices; restaurants; hotels as described in  
237 s. 509.242(1)(a); food service vendors; sports arenas; theaters;  
238 tourist attractions; and other for-profit business activities.

239 The term "commercial use" does not include:

240 a. Home-based businesses or cottage food operations  
241 undertaken on residential property, vacation rentals as  
242 described in s. 509.242(1)(c), or uses that are accessory,  
243 ancillary, incidental to the allowable uses, or allowed only on  
244 a temporary basis; or  
245 b. Farms or farm operations as those terms are defined in  
246 s. 823.14(3) or uses associated therewith, including the  
247 packaging and sale of products raised on the premises.

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

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

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

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

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

261 e. A requirement that greater than 10 percent of the lot

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262 area be reserved for open space or permeable surface.

263 f. A required minimum number of parking spaces.

265 The maximum building heights and floor area ratios specified in  
266 this subparagraph are doubled for any eligible lot located  
267 partly or wholly within a county with a population that exceeds  
268 800,000 or within a municipality with a population that exceeds  
269 75,000.

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

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

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

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

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

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

285 f. A required minimum number of parking spaces.

287 The maximum building heights and floor area ratios specified in  
288 this subparagraph are doubled for any eligible lot located  
289 partly or wholly within a county with a population that exceeds  
290 800,000 or within a municipality with a population that exceeds

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291 75,000.

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

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

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

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

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

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

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

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

318 (6) (a) A property owner or housing organization that is  
319 aggrieved or adversely affected by a regulation imposed by a

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320 local government in violation of this section may maintain a  
321 cause of action for damages in the county in which the property  
322 is located. As used in this paragraph, the term "housing  
323 organization" means a trade or industry group that constructs or  
324 manages housing units, a nonprofit organization that provides or  
325 advocates for increased access or reduced barriers to housing,  
326 or a nonprofit organization that is engaged in public policy  
327 research, education, or outreach that includes housing-policy-  
328 related issues.

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

336 (c) The court may do any of the following:  
337 1. Enter a declaratory judgment as provided by chapter 86.  
338 2. Issue a writ of mandamus.  
339 3. Issue an injunction to prevent a violation of this  
340 section.  
341 4. Remand the matter to the land development regulation  
342 commission for action consistent with the judgment.

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

346 (7) A public transit provider as defined in s. 341.031(1)  
347 is encouraged to develop land within Tier 1 and Tier 2 TOD zones  
348 in accordance with this section. Any net proceeds from such

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349 development shall be kept in the public transit agency's fund  
350 for operations, maintenance, and capital improvements. Public  
351 agencies, such as the Department of Transportation and local  
352 governments, are also encouraged to develop the land within Tier  
353 1 and Tier 2 TOD zones in accordance with this section and to  
354 transfer a portion of the net proceeds to the public transit  
355 agency's fund for operations, maintenance, and capital  
356 improvements.

357 (8) If any provision of this section or its application to  
358 any person or circumstance is held invalid, the invalidity does  
359 not affect any other provisions or applications of this section  
360 which can be given effect without the invalid provision or  
361 application, and to this end the provisions of this section are  
362 severable.

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