

By the Appropriations Committee on Transportation, Tourism, and Economic Development; the Committee on Community Affairs; and Senator Rouson

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1 A bill to be entitled
2 An act relating to transportation infrastructure land
3 development regulations; amending s. 163.3164, F.S.;
4 revising the definition of the term "transit-oriented
5 development"; creating s. 163.32035, F.S.; creating
6 the "Transit-Oriented Development Act" for a specified
7 purpose; providing a short title; providing
8 legislative findings; defining terms; requiring the
9 governing body of a county or municipality to adopt an
10 ordinance, and the governing body of a special
11 district to adopt a resolution, establishing specified
12 transit-oriented development (TOD) zones by a certain
13 date; requiring that such TOD zones be incorporated
14 into the local government comprehensive plan and land
15 development regulations; requiring the governing body
16 of a county or municipality to adopt ordinances, and
17 the governing body of a special district to adopt
18 resolutions, establishing specified TOD zones for
19 permanent public transit stops that open for public
20 use or receive notices to proceed for construction
21 after a specified date; requiring a local government
22 to zone eligible lots within TOD zones for mixed use;
23 defining the terms "mixed use" and "commercial use";
24 prohibiting a local government from imposing certain
25 regulations in specified TOD zones; prohibiting the
26 reduction or elimination of TOD zones after
27 establishment; encouraging public transit providers
28 and public agencies to develop land within specified
29 TOD zones; requiring that net proceeds from such

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30 development be kept in a specified fund for certain
31 purposes; requiring that certain residential or
32 commercial development comply with certain laws and
33 regulations; providing construction; providing
34 severability; providing an effective date.

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

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

40 163.3164 Community Planning Act; definitions.—As used in
41 this act:

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

51 (a) A bus rapid transit service as defined in s.
52 163.32035(3)(d).

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

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

56 (d) A fixed-guideway transportation system as defined in s.
57 341.031(2).

58 (e) A streetcar system.

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

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

64 163.32035 Transit-Oriented Development Act.—The Transit-
65 Oriented Development Act is created to make homeownership,
66 renting, and leasing more affordable for the residents of this
67 state and reduce chronic traffic congestion for the residents of
68 this state, by increasing the supply of housing and allowing
69 more residential and commercial development near transit
70 infrastructure.

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

73 (2) The Legislature finds that:

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

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

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

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

86 (e) The important public purpose sought to be achieved by
87 allowing an increase in residential and commercial development

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88 near transit infrastructure is to increase the supply of housing
89 near transit infrastructure and reduce chronic traffic
90 congestion, which will make homeownership, renting, and leasing
91 more affordable for residents of this state, increase economic
92 activity across this state, and maximize state and local
93 government investments in transit infrastructure.

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

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

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

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

108 (d) "Bus rapid transit service" means a bus service with
109 headways of 15 minutes or less during peak periods which
110 operates in business access and transit lanes or in a right-of-
111 way or lanes dedicated for public transit. If a bus service
112 meets the criteria of this paragraph for one or more parts, but
113 not all, of its route, the term includes only the parts of the
114 route which meet the criteria. As used in this paragraph, the
115 term "dedicated for public transit" means dedicated for at least
116 4 hours per business day. The term "business day" means all

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117 calendar days except Saturdays, Sundays, and holidays under s.
118 110.117(1).

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

126 (f) "Comprehensive plan" has the same meaning as in s.
127 163.3164.

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

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

132 1. A lot split or subdivision.

133 2. A plat or replat.

134 3. A development bonus for additional height, density, or
135 floor area ratio.

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

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

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

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

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

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The term does not include a lot that is located within an area of critical state concern designated pursuant to s. 380.05 or a lot that contains 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.

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

(k) "Land development regulation" has the same meaning as in s. 163.3164.

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

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

(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

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175 streetcar system. The term does not include any of the
176 following:

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

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

181 3. A stop or station in a rural community as defined in s.
182 288.0656(2) for an intercity rail transportation system.

183 (q) "Regulation" means any of the following:

184 1. A comprehensive plan, development order, land
185 development regulation, development agreement, or land
186 development code. For purposes of this subparagraph, the term
187 "development order" has the same meaning as in s. 163.3164.

188 2. An ordinance, a resolution, a policy, an action, a
189 procedure, or a condition that governs development or land use.
190 For purposes of this subparagraph, the term "land use" has the
191 same meaning as in s. 163.3164.

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

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

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

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

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

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

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

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

238 The term "commercial use" does not include:

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

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

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

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

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

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

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

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

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262 f. A required minimum number of parking spaces.

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264 The maximum building heights and floor area ratios specified in
265 this subparagraph are doubled for any eligible lot located
266 partly or wholly within a county with a population that exceeds
267 800,000, calculated according to the most recent decennial
268 United States Census, or partly or wholly within a municipality
269 that is in such a county.

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.

286
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, calculated according to the most recent decennial

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291 United States Census, or partly or wholly within a municipality
292 that is in such a county.

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

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

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

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

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

306 (5) A public transit provider as defined in s. 341.031(1)
307 is encouraged to develop land within Tier 1 and Tier 2 TOD zones
308 in accordance with this section. Any net proceeds from such
309 development shall be kept in the public transit agency's fund
310 for operations, maintenance, and capital improvements. Public
311 agencies, such as the Department of Transportation and local
312 governments, are also encouraged to develop the land within Tier
313 1 and Tier 2 TOD zones in accordance with this section and to
314 transfer a portion of the net proceeds to the public transit
315 agency's fund for operations, maintenance, and capital
316 improvements.

317 (6) Except as otherwise provided in this section,
318 residential or commercial development authorized within a TOD
319 zone under this section must comply with all applicable state

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320 and local laws and regulations. This section does not preempt or
321 replace any protection currently existing for a property located
322 within the boundaries of any of the following areas:

323 (a) The Wekiva Study Area, as described in s. 369.316.

324 (b) The Everglades Protection Area, as defined in s.
325 373.4592(2).

326 (c) The Florida wildlife corridor, as defined in s.
327 259.1055(4).

328 (d) A military installation or range identified in s.
329 163.3175(2).

330 (e) An area with environmentally sensitive lands designated
331 in the local government's comprehensive plan.

332 (7) If any provision of this section or its application to
333 any person or circumstance is held invalid, the invalidity does
334 not affect any other provisions or applications of this section
335 which can be given effect without the invalid provision or
336 application, and to this end the provisions of this section are
337 severable.

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