

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1389 (2026)

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u> (Y/N)
ADOPTED AS AMENDED	<u>      </u> (Y/N)
ADOPTED W/O OBJECTION	<u>      </u> (Y/N)
FAILED TO ADOPT	<u>      </u> (Y/N)
WITHDRAWN	<u>      </u> (Y/N)
OTHER	<u>      </u>

1 Committee/Subcommittee hearing bill: Housing, Agriculture &  
2 Tourism Subcommittee

3 Representative Redondo offered the following:

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 **Section 1. Paragraphs (a), (d), and (n) of subsection (7)**

8 **of section 125.01055, Florida Statutes, are amended to read:**

9 125.01055 Affordable housing.—

10 (7) (a) A county must authorize multifamily and mixed-use  
11 residential as allowable uses in any area zoned for commercial,  
12 industrial, or mixed use, and in portions of any flexibly zoned  
13 area such as a planned unit development permitted for  
14 commercial, industrial, or mixed use, and on property owned by a  
15 county, municipality, or school district, if at least 40 percent  
16 of the residential units in a proposed multifamily development

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17 are rental units that, for a period of at least 30 years, are  
18 affordable as defined in s. 420.0004. Notwithstanding any other  
19 law, local ordinance, or regulation to the contrary, a county  
20 may not require a proposed multifamily development to obtain a  
21 zoning or land use change, special exception, conditional use  
22 approval, variance, transfer of density or development units,  
23 amendment to a development of regional impact, or comprehensive  
24 plan amendment for the building height, zoning, and densities  
25 authorized under this subsection. For mixed-use residential  
26 projects, at least 65 percent of the total square footage must  
27 be used for residential purposes. The county may not require  
28 that more than 10 percent of the total square footage of such  
29 mixed-use residential projects be used for nonresidential  
30 purposes. A proposed development on property owned by a county,  
31 municipality, or school district must be within the geographic  
32 boundaries of the respective county, municipality, or school  
33 district, and the respective county, municipality, or school  
34 district must be a party to the application for the proposed  
35 development.

36 (d)1. A county may not restrict the height of a proposed  
37 development authorized under this subsection below the highest  
38 currently allowed, or allowed on July 1, 2023, height for a  
39 commercial or residential building located in its jurisdiction  
40 within 1 mile of the proposed development or three stories,  
41 whichever is higher. A county may not restrict height below the

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height authorized under this paragraph through other dimensional means, such as height determined by setbacks or stepbacks, or vice versa, or require setbacks or stepbacks that are more restrictive than the minimum setbacks or stepbacks of the underlying zoning applicable to the proposed development. For purposes of this paragraph, the term "highest currently allowed height" does not include the height of any building that met the requirements of this subsection or the height of any building that has received any bonus, variance, or other special exception for height provided in the county's land development regulations as an incentive for development.

2. If the proposed development is adjacent to, on two or more sides, a parcel zoned for single-family residential use which is within a single-family residential development with at least 25 contiguous single-family homes, the county may restrict the height of the proposed development to 150 percent of the tallest building on any property adjacent to the proposed development, the highest currently allowed, or allowed on July 1, 2023, height for the property provided in the county's land development regulations, or three stories, whichever is higher, not to exceed 10 stories. For the purposes of this paragraph, the term "adjacent to" means those properties sharing more than one point of a property line, but does not include properties separated by a public road.

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66       3. If the proposed development is on a parcel with a  
67 contributing structure or building within a historic district  
68 which was listed in the National Register of Historic Places  
69 before January 1, 2000, or is on a parcel with a structure or  
70 building individually listed in the National Register of  
71 Historic Places, the county may restrict the height of the  
72 proposed development to the highest currently allowed, or  
73 allowed on July 1, 2023, height for a commercial or residential  
74 building located in its jurisdiction within three-fourths of a  
75 mile of the proposed development or three stories, whichever is  
76 higher. The term "highest currently allowed" in this paragraph  
77 includes the maximum height allowed for any building in a zoning  
78 district irrespective of any conditions.

79       (n) As used in this subsection, the term:

80       1. "Commercial use" means activities associated with the  
81 sale, rental, or distribution of products or the performance of  
82 services related thereto. The term includes, but is not limited  
83 to, such uses or activities as retail sales; wholesale sales;  
84 rentals of equipment, goods, or products; offices; restaurants;  
85 public lodging establishments as described in s. 509.242(1)(a);  
86 food service vendors; sports arenas; theaters; tourist  
87 attractions; and other for-profit business activities. A parcel  
88 zoned to permit such uses by right without the requirement to  
89 obtain a variance or waiver is considered commercial use for the  
90 purposes of this section, irrespective of the local land

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91 development regulation's listed category or title. The term does  
92 not include home-based businesses or cottage food operations  
93 undertaken on residential property, public lodging  
94 establishments as described in s. 509.242(1)(c), or uses that  
95 are accessory, ancillary, incidental to the allowable uses, or  
96 allowed only on a temporary basis. Recreational uses, such as  
97 golf courses, tennis courts, swimming pools, and clubhouses,  
98 within an area designated for residential use are not commercial  
99 use, irrespective of how they are operated. Farms and farm  
100 operations as those terms are defined in s. 823.14(3) and uses  
101 associated therewith, including the packaging and sale of  
102 products raised on the premises, are not commercial use.

103 2. "Industrial use" means activities associated with the  
104 manufacture, assembly, processing, or storage of products or the  
105 performance of services related thereto. The term includes, but  
106 is not limited to, such uses or activities as automobile  
107 manufacturing or repair, boat manufacturing or repair, junk  
108 yards, ~~meat packing facilities, citrus processing and packing~~  
109 ~~facilities, produce processing and packing facilities,~~  
110 electrical generating plants, water treatment plants, sewage  
111 treatment plants, and solid waste disposal sites. A parcel zoned  
112 to permit such uses by right without the requirement to obtain a  
113 variance or waiver is considered industrial use for the purposes  
114 of this section, irrespective of the local land development  
115 regulation's listed category or title. The term does not include

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116 uses that are accessory, ancillary, incidental to the allowable  
117 uses, or allowed only on a temporary basis. Recreational uses,  
118 such as golf courses, tennis courts, swimming pools, and  
119 clubhouses, within an area designated for residential use are  
120 not industrial use, irrespective of how they are operated. Farms  
121 and farm operations as those terms are defined in s. 823.14(3)  
122 and uses associated therewith, including the packaging and sale  
123 of products raised on the premises, are not industrial use.

124 3. "Mixed use" means any use that combines multiple types  
125 of approved land uses from at least two of the residential use,  
126 commercial use, and industrial use categories. The term does not  
127 include uses that are accessory, ancillary, incidental to the  
128 allowable uses, or allowed only on a temporary basis.  
129 Recreational uses, such as golf courses, tennis courts, swimming  
130 pools, and clubhouses, within an area designated for residential  
131 use are not mixed use, irrespective of how they are operated.

132 4. "Planned unit development" has the same meaning as  
133 provided in s. 163.3202(5)(b).

134 **Section 2. Paragraphs (a), (d), and (n) of subsection (7)  
135 of section 166.04151, Florida Statutes, are amended to read:**

136 166.04151 Affordable housing.—

137 (7) (a) A municipality must authorize multifamily and  
138 mixed-use residential as allowable uses in any area zoned for  
139 commercial, industrial, or mixed use, and in portions of any  
140 flexibly zoned area such as a planned unit development permitted

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141 for commercial, industrial, or mixed use, and on property owned  
142 by a county, municipality, or school district, if at least 40  
143 percent of the residential units in a proposed multifamily  
144 development are rental units that, for a period of at least 30  
145 years, are affordable as defined in s. 420.0004. Notwithstanding  
146 any other law, local ordinance, or regulation to the contrary, a  
147 municipality may not require a proposed multifamily development  
148 to obtain a zoning or land use change, special exception,  
149 conditional use approval, variance, transfer of density or  
150 development units, amendment to a development of regional  
151 impact, amendment to a municipal charter, or comprehensive plan  
152 amendment for the building height, zoning, and densities  
153 authorized under this subsection. For mixed-use residential  
154 projects, at least 65 percent of the total square footage must  
155 be used for residential purposes. The municipality may not  
156 require that more than 10 percent of the total square footage of  
157 such mixed-use residential projects be used for nonresidential  
158 purposes. A proposed development on property owned by a county,  
159 municipality, or school district must be within the geographic  
160 boundaries of the respective county, municipality, or school  
161 district, and the respective county, municipality, or school  
162 district must be a party to the application for the proposed  
163 development.

164 (d)1. A municipality may not restrict the height of a  
165 proposed development authorized under this subsection below the

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166 highest currently allowed, or allowed on July 1, 2023, height  
167 for a commercial or residential building located in its  
168 jurisdiction within 1 mile of the proposed development or three  
169 stories, whichever is higher. A municipality may not restrict  
170 height below the height authorized under this paragraph through  
171 other dimensional means, such as height determined by setbacks  
172 or stepbacks, or vice versa, or require setbacks or stepbacks  
173 that are more restrictive than the minimum setbacks or stepbacks  
174 of the underlying zoning applicable to the proposed development.  
175 For purposes of this paragraph, the term "highest currently  
176 allowed height" does not include the height of any building that  
177 met the requirements of this subsection or the height of any  
178 building that has received any bonus, variance, or other special  
179 exception for height provided in the municipality's land  
180 development regulations as an incentive for development.

181 2. If the proposed development is adjacent to, on two or  
182 more sides, a parcel zoned for single-family residential use  
183 that is within a single-family residential development with at  
184 least 25 contiguous single-family homes, the municipality may  
185 restrict the height of the proposed development to 150 percent  
186 of the tallest building on any property adjacent to the proposed  
187 development, the highest currently allowed, or allowed on July  
188 1, 2023, height for the property provided in the municipality's  
189 land development regulations, or three stories, whichever is  
190 higher, not to exceed 10 stories. For the purposes of this

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191 paragraph, the term "adjacent to" means those properties sharing  
192 more than one point of a property line, but does not include  
193 properties separated by a public road or body of water,  
194 including manmade lakes or ponds. For a proposed development  
195 located within a municipality within an area of critical state  
196 concern as designated by s. 380.0552 or chapter 28-36, Florida  
197 Administrative Code, the term "story" includes only the  
198 habitable space above the base flood elevation as designated by  
199 the Federal Emergency Management Agency in the most current  
200 Flood Insurance Rate Map. A story may not exceed 10 feet in  
201 height measured from finished floor to finished floor, including  
202 space for mechanical equipment. The highest story may not exceed  
203 10 feet from finished floor to the top plate.

204 3. If the proposed development is on a parcel with a  
205 contributing structure or building within a historic district  
206 which was listed in the National Register of Historic Places  
207 before January 1, 2000, or is on a parcel with a structure or  
208 building individually listed in the National Register of  
209 Historic Places, the municipality may restrict the height of the  
210 proposed development to the highest currently allowed, or  
211 allowed on July 1, 2023, height for a commercial or residential  
212 building located in its jurisdiction within three-fourths of a  
213 mile of the proposed development or three stories, whichever is  
214 higher. The term "highest currently allowed" in this paragraph

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215 includes the maximum height allowed for any building in a zoning  
216 district irrespective of any conditions.

217 (n) As used in this subsection, the term:

218 1. "Commercial use" means activities associated with the  
219 sale, rental, or distribution of products or the performance of  
220 services related thereto. The term includes, but is not limited  
221 to, such uses or activities as retail sales; wholesale sales;  
222 rentals of equipment, goods, or products; offices; restaurants;  
223 public lodging establishments as described in s. 509.242(1)(a);  
224 food service vendors; sports arenas; theaters; tourist  
225 attractions; and other for-profit business activities. A parcel  
226 zoned to permit such uses by right without the requirement to  
227 obtain a variance or waiver is considered commercial use for the  
228 purposes of this section, irrespective of the local land  
229 development regulation's listed category or title. The term does  
230 not include home-based businesses or cottage food operations  
231 undertaken on residential property, public lodging  
232 establishments as described in s. 509.242(1)(c), or uses that  
233 are accessory, ancillary, incidental to the allowable uses, or  
234 allowed only on a temporary basis. Recreational uses, such as  
235 golf courses, tennis courts, swimming pools, and clubhouses,  
236 within an area designated for residential use are not commercial  
237 use, irrespective of how they are operated. Farms and farm  
238 operations as those terms are defined in s. 823.14(3) and uses

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239 associated therewith, including the packaging and sale of  
240 products raised on the premises, are not commercial use.

241 2. "Industrial use" means activities associated with the  
242 manufacture, assembly, processing, or storage of products or the  
243 performance of services related thereto. The term includes, but  
244 is not limited to, such uses or activities as automobile  
245 manufacturing or repair, boat manufacturing or repair, junk  
246 yards, ~~meat packing facilities, citrus processing and packing~~  
247 ~~facilities, produce processing and packing facilities,~~  
248 electrical generating plants, water treatment plants, sewage  
249 treatment plants, and solid waste disposal sites. A parcel zoned  
250 to permit such uses by right without the requirement to obtain a  
251 variance or waiver is considered industrial use for the purposes  
252 of this section, irrespective of the local land development  
253 regulation's listed category or title. The term does not include  
254 uses that are accessory, ancillary, incidental to the allowable  
255 uses, or allowed only on a temporary basis. Recreational uses,  
256 such as golf courses, tennis courts, swimming pools, and  
257 clubhouses, within an area designated for residential use are  
258 not industrial use, irrespective of how they are operated. Farms  
259 and farm operations as those terms are defined in s. 823.14(3)  
260 and uses associated therewith, including the packaging and sale  
261 of products raised on the premises, are not industrial use.

262 3. "Mixed use" means any use that combines multiple types  
263 of approved land uses from at least two of the residential use,

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264 commercial use, and industrial use categories. The term does not  
265 include uses that are accessory, ancillary, incidental to the  
266 allowable uses, or allowed only on a temporary basis.

267 Recreational uses, such as golf courses, tennis courts, swimming  
268 pools, and clubhouses, within an area designated for residential  
269 use are not mixed use, irrespective of how they are operated.

270 4. "Planned unit development" has the same meaning as  
271 provided in s. 163.3202(5)(b).

272 **Section 3. An applicant for a proposed development**  
273 authorized under s. 125.01055(7), Florida Statutes, or s.  
274 166.04151(7), Florida Statutes, who submitted an application, a  
275 written request, or a notice of intent to use such provisions to  
276 the county or municipality and which application, written  
277 request, or notice of intent has been received by the county or  
278 municipality, as applicable, before July 1, 2026, may notify the  
279 county or municipality by July 1, 2026, of its intent to proceed  
280 under the provisions of s. 125.01055(7), Florida Statutes, or s.  
281 166.04151(7), Florida Statutes, as they existed at the time of  
282 submittal. A county or municipality, as applicable, shall allow  
283 an applicant who submitted such an application, written request,  
284 or notice of intent before July 1, 2026, the opportunity to  
285 submit a revised application, written request, or notice of  
286 intent to account for the changes made by this act.

287 **Section 4. Subsection (5) of section 333.03, Florida**  
288 **Statutes, is amended to read:**

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289       333.03 Requirement to adopt airport zoning regulations.—

290       (5) Sections 125.01055(7) and 166.04151(7) do not apply to  
291       any of the following, unless the respective application is  
292       approved by the governing body of the airport:

293       (a) A proposed development near a runway within one-  
294       quarter of a mile laterally from the runway edge and within an  
295       area that is the width of one-quarter of a mile extending at  
296       right angles from the end of the runway for a distance of 10,000  
297       feet of any existing airport runway or planned airport runway  
298       identified in the local government's airport master plan.

299       (b) A proposed development within any airport noise zone  
300       identified in the federal land use compatibility table or in a  
301       land-use zoning or airport noise regulation adopted by the local  
302       government.

303       (c) A proposed development that exceeds maximum height  
304       restrictions identified in the political subdivision's airport  
305       zoning regulation adopted pursuant to this section.

306       **Section 5. Subsection (8) of section 760.22, Florida  
307       Statutes, is amended to read:**

308       760.22 Definitions.—As used in ss. 760.20-760.37, the  
309       term:

310       (8) "Person" includes one or more individuals,  
311       corporations, partnerships, associations, labor organizations,  
312       legal representatives, mutual companies, joint-stock companies,  
313       trusts, unincorporated organizations, trustees, trustees in

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314 bankruptcy, receivers, and fiduciaries, agencies, governmental  
315 entities, and other legal or commercial entities.

316 **Section 6. Section 760.26, Florida Statutes, is amended to**  
317 **read:**

318 760.26 Prohibited discrimination in land use decisions and  
319 in permitting of development.—It is unlawful to discriminate in  
320 land use decisions or in the permitting of development based on  
321 race, color, national origin, sex, disability, familial status,  
322 or religion, or, except as otherwise provided by law, based on  
323 the source of financing of a development or proposed  
324 development, including, but not limited to, financing of a  
325 development or on a proposed development for housing that is  
326 affordable as defined in s. 420.0004.

327 **Section 7. Subsection (4) of section 760.35, Florida**  
328 **Statutes, is amended to read:**

329 760.35 Civil actions and relief; administrative  
330 procedures.—

331 (4) If the court finds that a person has engaged in a  
332 discriminatory housing practice has occurred, it must shall  
333 issue an order prohibiting the practice and providing  
334 affirmative relief from the effects of the practice, including  
335 injunctive and other equitable relief, actual and punitive  
336 damages, and reasonable attorney fees and costs. In accordance  
337 with s. 13, Art. X of the State Constitution, the state, for  
338 itself and its agencies or political subdivisions, waives

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339 sovereign immunity for a cause of action based upon the  
340 application of this section. Such waiver is limited only to  
341 actions brought under this section.

342 **Section 8.** This act shall take effect July 1, 2026.

343

344 -----

345 **T I T L E A M E N D M E N T**

346 Remove everything before the enacting clause and insert:  
347 An act relating to affordable housing; amending ss.  
348 125.01055 and 166.04151, F.S.; requiring counties and  
349 municipalities, respectively, to authorize certain  
350 residential use on property owned by a county,  
351 municipality, or school district under certain  
352 circumstances; providing requirements for certain  
353 proposed developments; prohibiting counties and  
354 municipalities, respectively, from restricting the  
355 height of certain proposed developments through other  
356 dimensional means and from requiring certain setbacks  
357 or stepbacks; revising the definitions of the terms  
358 "commercial use" and "industrial use"; authorizing  
359 applicants for certain proposed developments to notify  
360 the county or municipality, as applicable, by a  
361 specified date of intent to proceed under certain  
362 provisions; requiring counties and municipalities to  
363 allow certain applicants to submit revised

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364 applications, written requests, and notices of intent  
365 to account for changes made by the act; amending s.  
366 333.03, F.S.; providing an exception authorizing the  
367 applicability of certain provisions to certain  
368 proposed developments, if approved by the governing  
369 body of an airport; amending s. 760.22, F.S.; revising  
370 the definition of the term "person"; amending s.  
371 760.26, F.S.; revising a prohibition on discriminatory  
372 practices in land use decisions and in permitting of  
373 development to include housing that is affordable;  
374 amending s. 760.35, F.S.; waiving the state's  
375 sovereign immunity for certain causes of action based  
376 upon housing discrimination; providing applicability;  
377 providing an effective date.