

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WITHDRAWN	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>	

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

Representative Redondo offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

**Section 1. Paragraphs (a), (d), and (n) of subsection (7)
of section 125.01055, Florida Statutes, are amended to read:**

125.01055 Affordable housing.—

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

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

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

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

53 2. If the proposed development is adjacent to, on two or
54 more sides, a parcel zoned for single-family residential use
55 which is within a single-family residential development with at
56 least 25 contiguous single-family homes, the county may restrict
57 the height of the proposed development to 150 percent of the
58 tallest building on any property adjacent to the proposed
59 development, the highest currently allowed, or allowed on July
60 1, 2023, height for the property provided in the county's land
61 development regulations, or three stories, whichever is higher,
62 not to exceed 10 stories. For the purposes of this paragraph,
63 the term "adjacent to" means those properties sharing more than
64 one point of a property line, but does not include properties
65 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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development regulation's listed category or title. The term does not include home-based businesses or cottage food operations undertaken on residential property, public lodging establishments as described in s. 509.242(1)(c), or uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not commercial use, irrespective of how they are operated. Farms and farm operations as those terms are defined in s. 823.14(3) and uses associated therewith, including the packaging and sale of products raised on the premises, are not commercial use.

2. "Industrial use" means activities associated with the manufacture, assembly, processing, or storage of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as automobile manufacturing or repair, boat manufacturing or repair, junk yards, ~~meat packing facilities, citrus processing and packing facilities, produce processing and packing facilities,~~ electrical generating plants, water treatment plants, sewage treatment plants, and solid waste disposal sites. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered industrial use for the purposes of this section, irrespective of the local land development 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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includes the maximum height allowed for any building in a zoning district irrespective of any conditions.

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

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

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

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

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

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

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333.03 Requirement to adopt airport zoning regulations.—

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

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

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

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

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

760.22 Definitions.—As used in ss. 760.20–760.37, the term:

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

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

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

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

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

760.35 Civil actions and relief; administrative procedures.—

(4) If the court finds that a person has engaged in a discriminatory housing practice ~~has occurred~~, it must ~~shall~~ issue an order prohibiting the practice and providing affirmative relief from the effects of the practice, including injunctive and other equitable relief, actual and punitive damages, and reasonable attorney fees and costs. In accordance with s. 13, Art. X of the State Constitution, the state, for 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.