

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: [CS/HB 1389](#)

TITLE: Affordable Housing

SPONSOR(S): Redondo

Committee References

[Housing, Agriculture & Tourism](#)

15 Y, 0 N, As CS

[Intergovernmental Affairs](#)

[Commerce](#)

COMPANION BILL: [SB 1548](#) (Calatayud)

LINKED BILLS: None

RELATED BILLS: None

SUMMARY

Effect of the Bill:

The bill amends the Live Local Act (Act) to:

- Authorize multifamily and mixed-use residential as allowable uses on property owned by a county, municipality, or school district, if the property is located within the geographic boundaries of the respective county, municipality, or district, and require the county, municipality, or school district, as applicable, to be a party to the application for the proposed development.
- Prohibit local governments from restricting the height of a proposed development through the use of setbacks or stepbacks, and prohibit local governments from requiring setbacks or stepbacks for a proposed development that are more restrictive than the minimum setbacks or stepbacks of the underlying zoning applicable to the proposed development.
- Specify that farms and farm operations are not considered “commercial uses” or “industrial uses” for purposes of the Act; and
- Authorize developments near airports (which are otherwise exempt from the Act) if the application for a proposed development is approved by the governing body of the airport.

The bill waives sovereign immunity for the state and any governmental entity if prohibited discrimination in a land use decision or the permitting of a development occurs, and clarifies that discrimination based on the source of financing for an affordable housing development is prohibited.

Fiscal or Economic Impact:

The bill has an indeterminate impact on local governments and the private sector.

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ANALYSIS

EFFECT OF THE BILL:

Live Local Act

The bill amends the [Live Local Act](#) (Act) and requires:

- Local governments¹ to authorize multifamily and mixed-use residential as allowable uses on property owned by a county, municipality, or school district, if at least 40 percent of the residential units in a multifamily development are rental units that have an [affordability](#) period of 30 years or more;
- A proposed development on property owned by a county, municipality, or school district to be within the geographic boundaries of the county, municipality, or school district, as applicable; and
- The respective county, municipality, or school district to be a party to the development application. (Section [1](#) for counties; Section [2](#) for municipalities.)

¹ Local government means any county or municipality. See [s. 163.3164\(29\), F.S.](#)

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DATE: 2/12/2026

Setbacks and Stepbacks

The bill prohibits local governments from circumventing the requirements of the Act by:

- Restricting the [height](#) of a proposed development below the highest height currently allowed, or the highest allowed on July 1, 2023, for certain buildings located in its jurisdiction through other dimensional means, such as setbacks or stepbacks.
- Requiring setbacks or stepbacks that are more restrictive than the minimum setbacks or stepbacks of the underlying zoning applicable to the proposed development. (Section [1](#) for counties; Section [2](#) for municipalities.)

Farms and Farm Operations

The bill specifies that [farms](#) and [farm operations](#), as defined in the [Florida Right to Farm Act](#), or uses associated with farming, including the packaging and sale of products raised on the premises, are not considered [commercial uses](#) or [industrial uses](#) for purposes of the Act. (Section [1](#) for counties; Section [2](#) for municipalities.)

Accordingly, local governments are not required to authorize multifamily and mixed-use residential uses in areas with a farm or farm operation or uses associated therewith. (Section [1](#) for counties; Section [2](#) for municipalities.)

The bill removes “meat packing facilities, citrus processing and packing facilities, and produce processing and packing facilities” as industrial uses under the Act. (Section [1](#) for counties; Section [2](#) for municipalities.)

Development Applications Submitted Prior to Bill's Effective Date

The bill allows an applicant for a proposed development who submitted an application, written request, or notice of intent to use the provisions of the Act to a local government, and which application, written request, or notice has been received by the local government before July 1, 2026, to:

- Notify the local government by July 1, 2026, of her or his intent to proceed under the Act as it existed at the time the application was submitted; or
- Submit a revised application, written request, or notice of intent to account for the changes made by the bill. (Section [3](#).)

Proposed Developments Near Airports

The bill allows for the approval of developments in or near [airport-impacted areas](#), which are currently exempt from the provisions of the Act, if the application for a development is approved by the governing body of the relevant airport. (Section [4](#).)

Discrimination in Land Use and Permitting Decisions

The bill clarifies that it is unlawful to [discriminate in land use decisions or in the permitting of development](#) based on the financing of a development or proposed development that is for affordable housing. (Section [6](#).)

The bill expressly waives sovereign immunity for the state and its agencies and subdivisions for a cause of action based on a violation of the [Florida Fair Housing Act](#). (Sections [5](#) and [7](#).)

Effective Date

The bill has an effective date of July 1, 2026. (Section [8](#).)

FISCAL OR ECONOMIC IMPACT:

LOCAL GOVERNMENT:

The bill has an indeterminate impact on local governments that are subject to the bill's requirements to authorize the development of affordable housing.

PRIVATE SECTOR:

The bill has an indeterminate positive impact on the private sector to the extent that the bill facilitates, and results in an increase in the availability of, affordable housing in the state.

RELEVANT INFORMATION**SUBJECT OVERVIEW:****Affordable Housing**

Housing is considered [affordable](#) when monthly rents or monthly mortgage payments, including taxes, insurance, and utilities, do not exceed 30 percent of a family's gross income.² Over 2.4 million low-income Florida households pay more than 30% of their incomes towards housing, which is the maximum amount considered affordable by experts.³ Over half of these households, or 1.3 million low-income households, spend more than 50% of their income towards housing costs.⁴ This makes it difficult for those households to save for retirement or emergencies and afford other necessities such as food and childcare.⁵

Eligibility to participate in Florida's state and federally-funded housing programs is determined by area median income (AMI) or statewide median family income, which is published annually by the United States Department of Housing and Urban Development (HUD).⁶ In Florida, the current statewide AMI for a family of **four** is \$95,300 (as family size changes, the income range also varies):⁷

- Extremely-low-income – earning up to 30 percent of the AMI (at or below \$28,600);⁸
- Very-low-income – earning from 30.01 to 50 percent of the AMI (\$28,601 to \$47,650);⁹
- Low-income – earning from 50.01 to 80 percent of the AMI (\$47,651 to \$76,250);¹⁰ and
- Moderate-income – earning from 80.01 to 120 percent of the AMI (\$76,251 to \$114,360).¹¹

As of 2025, Florida had only 24 affordable and available rental units for every 100 extremely-low-income renters.¹² In addition, there were little to no communities in Florida that could provide enough housing to support this group of renters, which is primarily made up of low-income workers, retirees, and people with disabilities.¹³

Land Use for Affordable Housing Development

All development, both public and private, and all development orders¹⁴ approved by a local government must be consistent with the local government's comprehensive plan.¹⁵ The Growth Management Act requires every county

² [S. 420.0004\(3\), F.S.](#)

³ Florida Housing Coalition, *2025 Home Matters Report*, p. 1. <https://flhousing.org/wp-content/uploads/2025/09/Home-Matters-Report-2025-V5-DIGITAL.pdf> (last visited Feb. 9, 2026).

⁴ *Id.*

⁵ *Id.*

⁶ See U.S. Dept. of Housing and Urban Development (HUD): Office of Policy Development and Research, *Income Limits*, <https://www.huduser.gov/portal/datasets/il.html#year2025> (last visited Feb. 9, 2026).

⁷ HUD: Office of Policy Development and Research, *FY 2025 State Income Limits: Florida*, https://www.huduser.gov/portal/datasets/il/il2025/2025summary.odn?inputname=STTLT*1299999999%2BFlorida&select ion_type=county&stname=Florida&statefp=12.0&year=2025 (last visited Feb. 9, 2026).

⁸ *Id.*; see also [s. 420.0004\(9\), F.S.](#)

⁹ *Supra* note 7; see also [s. 420.0004\(17\), F.S.](#)

¹⁰ *Supra* note 7; see also [s. 420.0004\(11\), F.S.](#)

¹¹ *Supra* note 7; see also [s. 420.0004\(12\), F.S.](#)

¹² *Supra* note 3, at p. 2.

¹³ *Id.*

¹⁴ "Development order" means any order granting, denying, or granting with conditions an application for a development permit. See [s. 163.3164\(15\), F.S.](#) "Development permit" includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land. See [s. 163.3164\(16\), F.S.](#)

¹⁵ [S. 163.3194\(3\), F.S.](#)

and municipality to create and implement a comprehensive plan to guide future development.¹⁶ A comprehensive plan is intended to provide for the future use of land, which contemplates a gradual and ordered growth, and establishes a long-range maximum limit on the possible intensity of land use.

A locality's comprehensive plan lays out the locations for future public facilities, including roads, water and sewer facilities, neighborhoods, parks, schools, and commercial and industrial developments. A comprehensive plan is made up of 10 required elements, each laying out regulations for a different facet of development.¹⁷

The future land use element designates proposed future general distribution, location, and extent of the uses of land. Specified use designations include those for residential, commercial, industry, agriculture, recreation, conservation, education, and public facilities. The approximate acreage and the general range of density or intensity of use must be provided for each land use category.¹⁸ The specific use and intensities for specific parcels are decided by a more detailed, implementing zoning map.¹⁹

The housing element sets forth guidelines and strategies for the creation and preservation of affordable housing for all current and anticipated future residents of the jurisdiction, elimination of substandard housing conditions, provision of adequate sites for future housing, and distribution of housing for a range of incomes and types.²⁰

A comprehensive plan is implemented through the adoption of land development regulations²¹ that are consistent with the plan and that contain specific and detailed provisions necessary to implement the plan.²² Such regulations must, among other requirements, regulate the subdivision of land and the use of land for the land use categories in the land use element of the comprehensive plan.²³ Substantially affected persons have the right to maintain administrative actions that ensure land development regulations are implemented and consistent with the comprehensive plan.²⁴

Development that does not conform to the comprehensive plan may not be approved by a local government unless the local government first amends its comprehensive plan. State law requires a proposed comprehensive plan amendment to receive two public hearings, the first held by the local planning board and the second held by the governing board.²⁵ Following the hearings, the local government must transmit the plan to several statutorily identified agencies, including the Department of Commerce as the state land planning agency, for review.²⁶ Most plan amendments are placed into the expedited state review process, while plan amendments relating to large-scale developments are placed into the state coordinated review process.²⁷

¹⁶ [S. 163.3167\(2\), F.S.](#)

¹⁷ [S. 163.3177\(6\), F.S.](#) The 10 required elements include capital improvements; future land use plan; transportation; general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge; conservation; recreation and open space; housing; coastal management; intergovernmental coordination; and property rights. Throughout statutes exist plans and programs that may be added as optional elements.

¹⁸ [S. 163.3177\(6\)\(a\), F.S.](#)

¹⁹ Richard Grosso, A Guide to Development Order "Consistency" Challenges Under Florida Statutes Section 163.3215, 34 J. Envtl. L. & Litig. 129, 154 (2019) citing *Brevard Cty. v. Snyder*, 627 So. 2d 469, 475 (Fla. 1993).

²⁰ [S. 163.3177\(6\)\(f\), F.S.](#)

²¹ "Land development regulations" means ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land.... See [s. 163.3164\(26\), F.S.](#)

²² [S. 163.3202, F.S.](#)

²³ *Id.*

²⁴ [S. 163.3213, F.S.](#)

²⁵ [Ss. 163.3174\(4\)\(a\)](#) and [163.3184, F.S.](#)

²⁶ [S. 163.3184, F.S.](#)

²⁷ See [ss. 163.3184](#) and [380.06, F.S.](#) In the Expedited State Review Process, the Department of Commerce reviews and approves or amends the proposed comprehensive plan amendment. This process can take 4 to 6 months. The State Coordinated Review Process is a more thorough, complex, multi-phase process. For more information, see <https://floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/amendments-that-must-follow-the-state-coordinated-review-process-procedures-and-timeframes> (last visited Feb. 9, 2026).

Live Local Act

The Live Local Act (Act), which became law in 2023, preempts certain county and municipal zoning and land use decisions to encourage development of affordable multifamily rental housing in targeted land use areas.²⁸ Specifically, counties and municipalities must allow a multifamily or mixed-use residential²⁹ rental development 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, if at least 40 percent of the residential units in the development are rental units that, for a period of at least 30 years, meet certain affordability requirements.³⁰

The Live Local Act provides the following definitions:³¹

- **Commercial use** means activities associated with the sale, rental, or distribution of products or the performance of related services. 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; hotels; 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, 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, vacation rentals, 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.
- **Industrial use** means activities associated with the manufacture, assembly, processing, or storage of products or the performance of related services. 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**,³² **citrus processing and packing facilities**, **produce processing and packing facilities**,³³ 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 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 industrial use, irrespective of how they are operated.
- **Mixed use** means any use that combines multiple types of approved land uses from at least two of the residential use, 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

²⁸ Ch. 2023-17, ss. 3, 5, Laws of Fla., codified as [ss. 125.01055\(7\)](#) and [166.04151\(7\)](#), F.S.

²⁹ For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes; local governments may not require that more than 10 percent of the total square footage be used for nonresidential purposes. [Ss. 125.01055\(7\)\(a\)](#) and [166.04151\(7\)\(a\)](#), F.S.

³⁰ *Id.*

³¹ [Ss. 125.01055\(7\)\(c\)](#) and [166.04151\(7\)\(c\)](#), F.S.

³² Meat packing facilities are facilities for the business or industry of slaughtering cattle and other meat animals and processing the carcasses for sale, sometimes including the packaging of processed meat products. Dictionary.com, *meat packing*, <https://www.dictionary.com/browse/meat-packing> (last visited Feb. 10, 2026).

³³ Citrus and produce processing and packing facilities are where fresh produce is brought from the field, postharvest practices such as sizing and packaging are performed, and quality standards are monitored to meet the targeted market needs and requirements. Elhadi M. Yahia, *Postharvest Technology of Perishable Horticultural Commodities* (2019), <https://www.sciencedirect.com/topics/agricultural-and-biological-sciences/packing-house> (last visited Feb. 10, 2026).

pools, and clubhouses, within an area designated for residential use are not mixed use, irrespective of how they are operated.

Local governments are prohibited from restricting the density³⁴ of a proposed development below the highest density currently allowed (or the highest allowed on July 1, 2023) on land within its jurisdiction where residential development is allowed³⁵ and may not restrict the floor area ratio³⁶ of a proposed development below 150 percent of the highest floor area ratio currently allowed (or the highest allowed on July 1, 2023) on land within its jurisdiction where residential development is allowed.³⁷

Local governments are also prohibited from restricting the height of a proposed development below the highest height currently allowed (or the highest allowed on July 1, 2023) for a commercial or residential building located in its jurisdiction within one mile of the proposed development or three stories, whichever is higher.³⁸ However, a local government may restrict the height of a proposed development if:

- The proposed development is adjacent to, on two or more sides, a parcel zoned for single-family residential in a single-family residential development with at least 25 contiguous single-family homes, in which case the local government 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 height currently allowed (or the highest allowed on July 1, 2023) for the property provided in the local government's land development regulations, or three stories, whichever is higher, but not to exceed 10 stories;³⁹ or
- The proposed development is on a parcel with a contributing structure or building within a historic district listed in the National Register of Historic Places⁴⁰ (Register) before January 1, 2000, or is on a parcel with a structure or building individually listed in the Register, in which case a local government may restrict the height of the proposed development to the highest height currently allowed (or the highest allowed on July 1, 2023) for a commercial or residential building within three-fourths of a mile of the proposed development or 3 stories, whichever is higher.⁴¹

An application for a development authorized by the Act must be administratively approved without further action by the governing body of the local government or any quasi-judicial or administrative board or reviewing body, provided the development satisfies the local government's land development regulations for multifamily developments in areas zoned for such use and is otherwise consistent with the jurisdiction's comprehensive plan, with the exception of provisions establishing density, floor area ratios, height, and land use requirements.⁴²

³⁴ "Density" means an objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre. See [s. 163.3164\(12\), F.S.](#)

³⁵ [Ss. 125.01055\(7\)\(b\)](#) and [166.04151\(7\)\(b\), F.S.](#)

³⁶ For purposes of these provisions, "floor area ratio" includes floor lot ratio and lot coverage. [Ss. 125.01055\(7\)\(c\)](#) and [166.04151\(7\)\(c\), F.S.](#)

³⁷ [Ss. 125.01055\(7\)\(c\)](#) and [166.04151\(7\)\(c\), F.S.](#)

³⁸ [Ss. 125.01055\(7\)\(d\)1](#), and [166.04151\(7\)\(d\)1, F.S.](#)

³⁹ [Ss. 125.01055\(7\)\(d\)2](#), and [166.04151\(7\)\(d\)2, F.S.](#)

⁴⁰ The National Register of Historic Places (Register) is the official list of the nation's historic places worthy of preservation. Authorized by the National Historic Preservation Act of 1966, the Register is maintained by the National Park Service (NPS) as a part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archeological resources. As of May 13, 2025, over 100,000 places have been listed in the Register for their significance in American history, art, architecture, engineering, and culture. See NPS, *What is the National Register of Historic Places?* <https://www.nps.gov/subjects/nationalregister/index.htm> (last visited Feb. 9, 2026); see also, NPS, *National Register of Historic Places: Program Updates May 13, 2025*, <https://www.nps.gov/subjects/nationalregister/program-updates.htm> (last visited Feb. 9, 2026).

⁴¹ [Ss. 125.01055\(7\)\(d\)3](#), and [166.04151\(7\)\(d\)3](#).

⁴² However, if a proposed development is on a parcel with a contributing structure or building within a historic district which was listed in the Register before January 1, 2000, or is on a parcel with a structure or building individually listed in the Register, the local government may administratively require the proposed development to comply with local regulations relating to architectural design, such as façade replication, provided it does not affect height, floor area ratio, or density of the proposed development. [Ss. 125.01055\(7\)\(e\)](#) and [166.04151\(7\)\(e\), F.S.](#)

Under the Act, local governments are required, upon request of an applicant, to reduce parking requirements for a proposed development by 15 percent if the development:

- Is located within one-quarter mile of a transit stop, as defined in the local government's land development code, and the transit stop is accessible from the development;
- Is located within one-half mile of a major transportation hub⁴³ that is accessible from the proposed development by safe, pedestrian-friendly means, such as sidewalks, crosswalks, elevated pedestrian or bike paths, or other multimodal design features; or
- Has available parking within 600 feet of the proposed development, which may consist of options such as on-street parking, parking lots, or parking garages available for use by residents of the proposed development.⁴⁴

The provisions of the Act described above do not apply to recreational and commercial waterfronts in industrial areas,⁴⁵ the Wekiva Study Area,⁴⁶ or the Everglades Protection Area.^{47,48} Additionally, local governments are not required to authorize developments in airport-impacted areas; specifically, local governments are not required to authorize the following types of developments:

- 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.
- 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.
- A proposed development that exceeds maximum height restrictions identified in the political subdivision's airport zoning regulation adopted pursuant to statute.⁴⁹

The provisions of the Act are effective until October 1, 2033.⁵⁰

Florida Right to Farm Act

In response to the loss of farmland due to encroaching suburban sprawl, nuisance claims, and modern zoning, the Legislature enacted Florida's Right to Farm Act (Farm Act) in 1979. The purpose of the Farm Act was to provide more protection for commercial agriculture and farming operations from nuisance claims, and slow the rapid conversion of farmland to more compatible uses.⁵¹

The Legislature has determined that agricultural activities conducted on farm land in urbanizing areas are potentially subject to lawsuits based on the theory of nuisance and that these suits encourage or force the premature removal of the farm land from agricultural use. The Farm Act seeks to protect reasonable agricultural and complementary agritourism activities conducted on farm land from nuisance suits and other similar lawsuits.⁵²

The Farm Act provides the following definitions:⁵³

- Farm means the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm or aquaculture products.

⁴³ For purposes of these provisions, "major transportation hub" means any transit station, whether bus, train, or light rail, which is served by public transit with a mix of other transportation options. [Ss. 125.01055\(7\)\(f\)3](#), and [166.04151\(7\)\(f\)3](#), F.S.

⁴⁴ A local government, however, may not require that the available parking compensate for the reduction in parking requirements. [Ss. 125.01055\(7\)\(f\)1](#), and [166.04151\(7\)\(f\)1](#), F.S.

⁴⁵ See [s. 342.201\(2\)\(b\)](#), F.S.

⁴⁶ See [s. 369.316](#), F.S.

⁴⁷ See [s. 373.4592\(2\)\(i\)](#), F.S.

⁴⁸ [Ss. 125.01055\(7\)\(o\)](#) and [166.04151\(7\)\(o\)](#), F.S.

⁴⁹ [S. 303.03\(5\)](#), F.S.

⁵⁰ [Ss. 125.01055\(7\)\(p\)](#) and [166.04151\(7\)\(p\)](#), F.S.

⁵¹ Ch. 79-61, Laws of Fla.

⁵² [S. 823.14\(2\)](#), F.S.

⁵³ [S. 823.14\(3\)](#), F.S.

- Farm operation means all conditions or activities by the owner, lessee, agent, independent contractor, or supplier which occur on a farm in connection with the production of farm, honeybee, or apiculture products or in connection with complementary agritourism activities. These conditions and activities include, but are not limited to, the marketing of farm products at roadside stands or farm markets; the operation of machinery and irrigation pumps; the generation of noise, odors, dust, fumes, and particle emissions; ground or aerial seeding and spraying; the placement and operation of an apiary; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; agritourism activities; and the employment and use of labor.

Florida Fair Housing Act

The Florida Fair Housing Act⁵⁴ prohibits discrimination in housing-related activities, including the sale, rental, and financing of housing.⁵⁵ The law protects individuals from discrimination based on race, color, national origin, sex, disability, familial status, or religion.⁵⁶ The law also specifically prohibits local governments from discriminatory practices in land use decisions and development permitting, including discrimination based on the source of financing of a development, except as otherwise provided by law.⁵⁷ The Florida Fair Housing Act is enforced by the Florida Commission on Human Relations, which investigates complaints and can seek legal remedies for violations.⁵⁸

Currently, the state has not waived sovereign immunity for itself and its agencies and political subdivisions for causes of action based a violation of the Florida Fair Housing Act.

RECENT LEGISLATION:

YEAR	BILL #/SUBJECT	HOUSE/SENATE SPONSOR(S)	OTHER INFORMATION
2023	CS/CS/HB 627 - Housing	Busatta, Lopez, V./ <i>Calatayud</i>	Created the Live Local Act. Approved by the Governor.
2024	CS/CS/HB 1239 - Affordable Housing	Lopez, V./ <i>Calatayud</i>	Amended the Live Local Act. Approved by the Governor.
2025	CS/CS/CS/HB 943 - Real Property and Land Use and Development	Lopez, V./ <i>Calatayud</i>	Amended the Live Local Act. Approved by the Governor.

⁵⁴ [Ss. 760.20-760.37, F.S.](#)

⁵⁵ [S. 760.23, F.S.](#)

⁵⁶ *Id.*

⁵⁷ [S. 760.26, F.S.](#)

⁵⁸ [S. 760.03, F.S.](#)

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Housing, Agriculture & Tourism Subcommittee	15 Y, 0 N, As CS	2/11/2026	Curtin	Fletcher

THE CHANGES ADOPTED BY THE COMMITTEE: The amendment:

- Authorized multifamily and mixed-use residential as allowable uses on property owned by a county, municipality, or school district, if the property is located within the geographic boundaries of the respective county, municipality, or district, and required the county, municipality, or school district, as applicable, to be a party to the application for the proposed development.
- Prohibited local governments from restricting the height of a proposed development through the use of setbacks or stepbacks, and prohibited local governments from requiring setbacks or stepbacks for a proposed development that are more restrictive than the minimum setbacks or stepbacks of the underlying zoning applicable to the proposed development.
- Specified that farms and farm operations are not considered “commercial uses” or “industrial uses” for purposes of the Live Local Act (Act).
- Authorized developments near airports (which are otherwise exempt from the Act) if the application for a proposed development is approved by the governing body of the airport.
- Waived sovereign immunity for the state and any governmental entity if prohibited discrimination in a land use decision or the permitting of a development occurs, and clarified that discrimination based on the source of financing for an affordable housing development is prohibited.

[Intergovernmental Affairs
Subcommittee](#)

[Commerce Committee](#)

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.
