

HB 1389

2026

A bill to be entitled
An act relating to affordable housing; amending ss. 125.01055 and 166.04151, F.S.; requiring counties and municipalities, respectively, to authorize multifamily and mixed-use residential uses as allowable uses for specified parcels of land if certain conditions are met; providing definitions; requiring counties and municipalities, respectively, to eliminate parking requirements for a proposed development under certain circumstances; amending s. 196.1979, F.S.; authorizing the board of county commissioners or the governing body of a municipality to exempt specified portions of property within multifamily projects and accessory dwelling units that are used to provide affordable housing; providing an effective date.

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

Section 1. Paragraphs (a) and (f) 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; on any parcel with a future land use designation that allows for commercial, industrial, or mixed

26 uses; on any parcel located within one-quarter mile of a transit
27 stop, as defined in the county's land development code; on any
28 parcel within one-half mile of a major transportation hub, as
29 defined in subparagraph (f)3.; and in portions of any flexibly
30 zoned area such as a planned unit development permitted for
31 commercial, industrial, or mixed use, if at least 40 percent of
32 the residential units in a proposed multifamily development are
33 rental units that, for a period of at least 30 years, are
34 affordable for moderate-income persons or if at least 20 percent
35 of the residential units in a proposed multifamily development
36 are rental units that, for a period of at least 30 years, are
37 affordable for low-income persons. As used in this paragraph,
38 the terms "affordable," "moderate-income persons," and "low-
39 income persons" have the same meaning as defined in s. 420.0004.
40 Notwithstanding any other law, local ordinance, or regulation to
41 the contrary, a county may not require a proposed multifamily
42 development to obtain a zoning or land use change, special
43 exception, conditional use approval, variance, transfer of
44 density or development units, amendment to a development of
45 regional impact, or comprehensive plan amendment for the
46 building height, zoning, and densities authorized under this
47 subsection. For mixed-use residential projects, at least 65
48 percent of the total square footage must be used for residential
49 purposes. The county may not require that more than 10 percent
50 of the total square footage of such mixed-use residential

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51 projects be used for nonresidential purposes.

52 (f)1. A county must ~~eliminate, upon request of an~~
53 ~~applicant, reduce~~ parking requirements ~~by 15 percent~~ for a
54 proposed development authorized under this subsection if the
55 development:

56 a. Is located within one-quarter mile of a transit stop,
57 as defined in the county's land development code, and the
58 transit stop is accessible from the development;

59 b. Is located within one-half mile of a major
60 transportation hub that is accessible from the proposed
61 development by safe, pedestrian-friendly means, such as
62 sidewalks, crosswalks, elevated pedestrian or bike paths, or
63 other multimodal design features; or

64 c. Has available parking within 600 feet of the proposed
65 development which may consist of options such as on-street
66 parking, parking lots, or parking garages available for use by
67 residents of the proposed development. However, a county may not
68 require that the available parking compensate for the reduction
69 in parking requirements.

70 2. A county must eliminate parking requirements for a
71 proposed mixed-use residential development authorized under this
72 subsection within an area recognized by the county as a transit-
73 oriented development or area, as provided in paragraph (h).

74 3. For purposes of this paragraph, the term "major
75 transportation hub" means any transit station, whether bus,

76 train, or light rail, which is served by public transit with a
77 mix of other transportation options.

78 **Section 2. Paragraphs (a) and (f) of subsection (7) of**
79 **section 166.04151, Florida Statutes, are amended to read:**

80 166.04151 Affordable housing.—

81 (7) (a) A municipality must authorize multifamily and
82 mixed-use residential as allowable uses in any area zoned for
83 commercial, industrial, or mixed use; on any parcel with a
84 future land use designation that allows for commercial,
85 industrial, or mixed uses; on any parcel located within one-
86 quarter mile of a transit stop, as defined in the county's land
87 development code; on any parcel within one-half mile of a major
88 transportation hub, as defined in subparagraph (f)3.; and in
89 portions of any flexibly zoned area such as a planned unit
90 development permitted for commercial, industrial, or mixed use,
91 if at least 40 percent of the residential units in a proposed
92 multifamily development are rental units that, for a period of
93 at least 30 years, are affordable for moderate-income persons or
94 if at least 20 percent of the residential units in a proposed
95 multifamily development are rental units that, for a period of
96 at least 30 years, are affordable for low-income persons. As
97 used in this paragraph, the terms "affordable," "moderate-income
98 persons," and "low-income persons" have the same meanings as
99 defined in s. 420.0004. Notwithstanding any other law, local
100 ordinance, or regulation to the contrary, a municipality may not

101 require a proposed multifamily development to obtain a zoning or
102 land use change, special exception, conditional use approval,
103 variance, transfer of density or development units, amendment to
104 a development of regional impact, amendment to a municipal
105 charter, or comprehensive plan amendment for the building
106 height, zoning, and densities authorized under this subsection.
107 For mixed-use residential projects, at least 65 percent of the
108 total square footage must be used for residential purposes. The
109 municipality may not require that more than 10 percent of the
110 total square footage of such mixed-use residential projects be
111 used for nonresidential purposes.

112 (f)1. A municipality must ~~eliminate, upon request of an~~
113 ~~applicant, reduce~~ parking requirements for a proposed
114 development authorized under this subsection ~~by 15 percent~~ if
115 the development:

116 a. Is located within one-quarter mile of a transit stop,
117 as defined in the municipality's land development code, and the
118 transit stop is accessible from the development;

119 b. Is located within one-half mile of a major
120 transportation hub that is accessible from the proposed
121 development by safe, pedestrian-friendly means, such as
122 sidewalks, crosswalks, elevated pedestrian or bike paths, or
123 other multimodal design features; or

124 c. Has available parking within 600 feet of the proposed
125 development which may consist of options such as on-street

126 parking, parking lots, or parking garages available for use by
127 residents of the proposed development. However, a municipality
128 may not require that the available parking compensate for the
129 reduction in parking requirements.

130 2. A municipality must eliminate parking requirements for
131 a proposed mixed-use residential development authorized under
132 this subsection within an area recognized by the municipality as
133 a transit-oriented development or area, as provided in paragraph
134 (h).

135 3. For purposes of this paragraph, the term "major
136 transportation hub" means any transit station, whether bus,
137 train, or light rail, which is served by public transit with a
138 mix of other transportation options.

139 **Section 3. Paragraphs (a) and (b) of subsection (1) of
140 section 196.1979, Florida Statutes, are amended to read:**

141 196.1979 County and municipal affordable housing property
142 exemption.—

143 (1) (a) Notwithstanding ss. 196.195 and 196.196, the board
144 of county commissioners of a county or the governing body of a
145 municipality may adopt an ordinance to exempt those portions of
146 property used to provide affordable housing meeting the
147 requirements of this section. Such property is considered
148 property used for a charitable purpose. To be eligible for the
149 exemption, the portions of property:

150 1. Must be used to house natural persons or families whose

151 annual household income:

152 a. Is greater than 30 percent but not more than 60 percent
153 of the median annual adjusted gross income for households within
154 the metropolitan statistical area or, if not within a
155 metropolitan statistical area, within the county in which the
156 person or family resides; or

157 b. Does not exceed 30 percent of the median annual
158 adjusted gross income for households within the metropolitan
159 statistical area or, if not within a metropolitan statistical
160 area, within the county in which the person or family resides.~~+~~

161 2.a. Must be within a multifamily project containing at
162 least the minimum number of residential units as defined by the
163 county or municipality that adopts an ordinance under this
164 section. A county or municipality that adopts an ordinance under
165 this section may set a minimum residential unit threshold that
166 deems a property eligible for the exemption for properties that
167 exceed 15,000 square feet and have a minimum of 5 residential
168 units, but does not exceed 50 ~~or more~~ residential units; or

169 b. Must be an accessory dwelling unit as defined in s.
170 163.31771(2)(a), ~~at least 20 percent of which are used to~~
171 ~~provide affordable housing that meets the requirements of this~~
172 ~~section;~~

173 3. Must be rented for an amount no greater than the amount
174 as specified by the most recent multifamily rental programs
175 income and rent limit chart posted by the corporation and

176 derived from the Multifamily Tax Subsidy Projects Income Limits
177 published by the United States Department of Housing and Urban
178 Development or 90 percent of the fair market value rent as
179 determined by a rental market study meeting the requirements of
180 subsection (4), whichever is less.~~r~~

181 4. May not have been cited for code violations on three or
182 more occasions in the 24 months before the submission of a tax
183 exemption application.~~r~~

184 5. May not have any cited code violations that have not
185 been properly remedied by the property owner before the
186 submission of a tax exemption application.~~r~~ and

187 6. May not have any unpaid fines or charges relating to
188 the cited code violations. Payment of unpaid fines or charges
189 before a final determination on a property's qualification for
190 an exemption under this section will not exclude such property
191 from eligibility if the property otherwise complies with all
192 other requirements for the exemption.

193 (b) Qualified property may receive an ad valorem property
194 tax exemption of:

195 1. Up to 75 percent of the assessed value of each
196 residential unit used to provide affordable housing if fewer
197 than 100 percent of the multifamily project's residential units
198 are used to provide affordable housing meeting the requirements
199 of this section.

200 2. Up to 100 percent of the assessed value of each

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201 residential unit used to provide affordable housing if 100
202 percent of the multifamily project's residential units are used
203 to provide affordable housing meeting the requirements of this
204 section.

205 3. Up to 100 percent of the assessed value of the
206 accessory dwelling unit if the unit is used to provide
207 affordable housing meeting the requirements of this section.

208 **Section 4.** This act shall take effect July 1, 2026.