



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/14/2026	.	
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The Appropriations Committee on Transportation, Tourism, and Economic Development (Gaetz) recommended the following:

1 **Senate Amendment (with title amendment)**

2

3 Delete lines 40 - 156

4 and insert:

5 Section 1. Subsections (2) through (5) of section
6 163.31771, Florida Statutes, are amended, and a new subsection
7 (5) is added to that section, to read:

8 163.31771 Accessory dwelling units.—

9 (2) As used in this section, the term:

10 (a) "Accessory dwelling unit" means an ancillary or



11 secondary living unit, that has a separate kitchen, bathroom,
12 and sleeping area, existing either within the same structure, or
13 on the same lot, as the primary dwelling unit.

14 (b) "Affordable rental" means that monthly rent and
15 utilities do not exceed 30 percent of that amount which
16 represents the percentage of the median adjusted gross annual
17 income for extremely-low-income, very-low-income, low-income, or
18 moderate-income persons.

19 (c) "By right" means the ability to be approved without
20 requiring a public hearing; a variance, conditional use permit,
21 special permit, or special exception; or other discretionary
22 action, other than a determination that a site plan conforms
23 with applicable zoning regulations.

24 (e) (e) "Local government" means a county or municipality.

25 (f) (d) "Low-income persons" has the same meaning as in s.
26 420.0004(11).

27 (g) (e) "Moderate-income persons" has the same meaning as in
28 s. 420.0004(12).

29 (h) "Primary dwelling unit" means an existing or proposed
30 single-family dwelling on the property where a proposed
31 accessory dwelling unit would be located.

32 (i) (f) "Very-low-income persons" has the same meaning as in
33 s. 420.0004(17).

34 (d) (g) "Extremely-low-income persons" has the same meaning
35 as in s. 420.0004(9).

36 (3) By December 1, 2026, a local government shall may adopt
37 an ordinance to allow accessory dwelling units by right in any
38 area zoned for single-family residential use. Such ordinance
39 must apply prospectively to accessory dwelling units approved



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40 after the date the ordinance is adopted. Such ordinance may
41 regulate the permitting, construction, and use of an accessory
42 dwelling unit but may not do any of the following:

43 (a) Prohibit the renting or leasing of an accessory
44 dwelling unit, except to prohibit the renting or leasing of an
45 accessory dwelling unit approved after the effective date of the
46 ordinance for a term of less than 1 month, notwithstanding s.
47 509.032(7)(b).

48 (b) Require that the owner of a parcel on which an
49 accessory dwelling unit is constructed reside in the primary
50 dwelling unit.

51 (c) Increase parking requirements on any parcel that can
52 accommodate an additional motor vehicle on a driveway without
53 impeding access to the primary dwelling unit.

54 (d) Require replacement parking if a garage, carport, or
55 covered parking structure is converted to create an accessory
56 dwelling unit.

57 (e) Impose discretionary review or hearing standards, such
58 as requiring a conditional use approval or special exception to
59 construct an accessory dwelling unit, or other review standards
60 that do not apply generally to other housing in the same
61 district or zone.

62 ===== T I T L E A M E N D M E N T =====

63 And the title is amended as follows:

64 Delete lines 2 - 13

65 and insert:

66 An act relating to housing; amending s. 163.31771,
67 F.S.; defining the terms "by right" and "primary



69 dwelling unit"; requiring, rather than authorizing,
70 local governments to adopt, by a specified date, an
71 ordinance to allow accessory dwelling units by right
72 in certain areas; requiring that such ordinances apply
73 prospectively; providing that such ordinances may
74 regulate specified actions; prohibiting the