

FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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BILL #: [CS/CS/HB 837](#)

TITLE: Affordable Housing

SPONSOR(S): Busatta

COMPANION BILL: [SB 962](#) (Bradley)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Housing, Agriculture & Tourism](#)

15 Y, 0 N, As CS



[Intergovernmental Affairs](#)

13 Y, 3 N



[Commerce](#)

19 Y, 0 N, As CS

SUMMARY

Effect of the Bill:

The bill exempts the following from the Live Local Act:

- Farms and farm operations.
- Areas subject to land development regulations in existence before July 1, 2026, intended to retain the open character of land.
- Any area of critical state concern.
- The Florida wildlife corridor.

Fiscal or Economic Impact:

The bill has an indeterminate fiscal impact on local governments, and likely no fiscal impact on state government.

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ANALYSIS

EFFECT OF THE BILL:

The bill exempts the following from the [Live Local Act](#). (Sections [1](#) and [2](#)):

- Farms and farm operations.
- Areas subject to land development regulations¹ that are in existence before July 1, 2026, which are intended to retain the [open character of land](#), including, but not limited to, open space districts, open space recreation districts, open use estate districts, open use rural districts, and park and open space districts.
- Any [area of critical state concern](#).
- [The Florida wildlife corridor](#).

The bill amends the Live Local Act to provide that [farms](#) or [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](#), [industrial](#), or [mixed uses](#). (Sections [1](#) and [2](#))

Accordingly, counties and municipalities are not required to authorize multifamily and mixed-use residential uses for an area if the area is also a farm or farm operation, or utilized for uses associated therewith. (Sections [1](#) and [2](#))

The bill removes “meat packing facilities, citrus processing and packing facilities, and produce processing and packing facilities” as industrial uses under the Live Local Act. (Sections [1](#) and [2](#))

The bill provides an effective date of July 1, 2026. (Section [3](#))

¹ “Land development regulations” mean 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. [S. 163.3164\(26\), F.S.](#)

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FISCAL OR ECONOMIC IMPACT:

LOCAL GOVERNMENT:

The bill has an indeterminate fiscal impact on local governments, as it may affect the number of new developments that local governments must allow.

RELEVANT INFORMATION**SUBJECT OVERVIEW:****[Live Local Act](#)**

The Live Local 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.² Specifically, counties and municipalities must allow a multifamily or mixed-use residential³ 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.⁴

The Live Local Act provides the following definitions:⁵

- **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**,⁶ **citrus processing and packing facilities**, **produce processing and packing facilities**,⁷ 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

² [Ch. 2023-17, ss. 3, 5, Laws of Fla.](#), codified as [ss. 125.01055\(7\)](#) and [166.04151\(7\), F.S.](#)

³ 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.](#)

⁴ [Ss. 125.01055\(7\)\(a\)](#) and [166.04151\(7\)\(a\), F.S.](#)

⁵ [Ss. 125.01055\(7\)\(c\)](#) and [166.04151\(7\)\(c\), F.S.](#)

⁶ 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 Jan. 21, 2026).

⁷ 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), available at <https://www.sciencedirect.com/topics/agricultural-and-biological-sciences/packing-house>.

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 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 density⁸ 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 allowed⁹ and may not restrict the floor area ratio¹⁰ 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.¹¹

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.¹² 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;¹³ 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 Places¹⁴ (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.¹⁵

⁸ "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.](#)

⁹ [Ss. 125.01055\(7\)\(b\)](#) and [166.04151\(7\)\(b\), F.S.](#)

¹⁰ 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.](#)

¹¹ [Ss. 125.01055\(7\)\(c\)](#) and [166.04151\(7\)\(c\), F.S.](#)

¹² [Ss. 125.01055\(7\)\(d\)1.](#) and [166.04151\(7\)\(d\)1., F.S.](#)

¹³ [Ss. 125.01055\(7\)\(d\)2.](#) and [166.04151\(7\)\(d\)2., F.S.](#)

¹⁴ 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 Jan. 7, 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 Jan. 7, 2026).

¹⁵ [Ss. 125.01055\(7\)\(d\)3.](#) and [166.0415\(7\)\(d\)3., F.S.](#)

An application for a development authorized by the Live Local 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.¹⁶

Under the Live Local 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 hub 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.¹⁷

The provisions of the Live Local Act described above do not apply to airport-impacted areas,¹⁸ recreational and commercial waterfronts in industrial areas,¹⁹ the Wekiva Study Area,²⁰ and the Everglades Protection Area.^{21,22}

These provisions of the Live Local Act are effective until October 1, 2033.²³

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 (Act) in 1979. The purpose of the 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.²⁴

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 Act seeks to protect reasonable agricultural and complementary agritourism activities conducted on farm land from nuisance suits and other similar lawsuits.²⁵

The Act provides the following definitions:²⁶

¹⁶ 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.](#)

¹⁷ 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.](#)

¹⁸ See [s. 333.03, F.S.](#)

¹⁹ See [s. 342.201\(2\)\(b\), F.S.](#)

²⁰ See [s. 369.316, F.S.](#)

²¹ See [s. 373.4592\(2\), F.S.](#)

²² [Ss. 125.01055\(7\)\(o\), F.S.](#) and [166.04151\(7\)\(o\), F.S.](#)

²³ [Ss. 125.01055, F.S.](#) and [166.04151\(7\)\(p\), F.S.](#)

²⁴ Ch. 79-61, Laws of Fla.

²⁵ [S. 823.14\(2\), F.S.](#)

²⁶ [S. 823.14\(3\), F.S.](#)

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

Open Space Ordinances

In general, “open space” is land that is not intensively developed for residential, commercial, industrial, or institutional use, and may include parks, recreational sites, scenery, trails, forests, wetlands, rare or important habitats, farms, and historic properties.²⁷ Open space zoning typically concentrates buildings on part of a property while maintaining greenspace and wildlife habitat on the remainder.²⁸ Some local governments in Florida have adopted ordinances and zoning categories to protect or encourage open spaces.²⁹ For example, the City of Port St. Lucie has created an open space conservation zoning district to locate and establish areas which are deemed to be uniquely suited for the conservation of open space and the natural environment, while allowing the limited use of said areas for recreational and open space activities. The zoning district allows the following uses and structures:³⁰

- Open space devoted to the conservation and maintenance of natural waterways, vegetation, and wildlife.
- Hiking and bicycle trails.
- Nature study areas and boardwalks.
- Picnic areas.
- Boat ramps or docks.
- Observation towers or platforms.
- Pavilions for outdoor exhibits and special nature study instruction.

Additionally, some Florida local governments have open space districts which may be located within or directly adjacent to a residential district,³¹ or have open space requirements for a residential district. For example, Lee County requires residential developments, other than certain individual build one- or two-family dwellings, to retain 35-40 percent open space in the development area, depending on the size of the development.³²

Areas of Critical State Concern

In 1972, the Florida Environmental Land and Water Management Act was enacted, creating the Areas of Critical State Concern (ACSC) Program. The ACSC Program is intended to protect resources and public facilities of major statewide significance within designated geographic areas from uncontrolled development that would cause substantial deterioration of such resources.³³

²⁷ Cornell University, *Open Space Planning*, <https://hudson.dnr.cals.cornell.edu/conservation-planning/inventory-and-planning/open-space-planning> (last visited Feb. 18, 2026).

²⁸ Lauren McDonell, Martha C. Monroe, and Basil V. Iannone, *Land Conservation Tools and Zoning*, <https://ask.ifas.ufl.edu/publication/FR256> (last visited Feb. 18, 2026).

²⁹ See Sec. 10-263, City of Tallahassee, Florida Code of Ordinances; Sec. 39-380, Broward County, Florida Code of Ordinances.

³⁰ Sec. 158.101, City of Port St. Lucie, Florida Code of Ordinances.

³¹ See Sec. 39-380, Broward County, Florida Code of Ordinances.

³² Sec. 10-415, Lee County, Florida Code of Ordinances.

³³ Florida Commerce, *Areas of Critical State Concern Program* (last visited Feb. 17, 2026).

Under the program, the Governor and Cabinet, sitting as the Administration Commission,³⁴ designates ACSCs by rule.³⁵ To be designated as an ACSC, the area must:

- Contain, or have a significant impact upon, environmental or natural resources of regional or statewide importance, the uncontrolled private or public development of which would cause substantial deterioration of such resources;
- Contain, or have a significant impact upon, historical or archaeological resources, sites, or statutorily defined historical or archaeological districts, the private or public development of which would cause substantial deterioration or complete loss of such resources, sites, or districts; or
- Have a significant impact upon, or be significantly impacted by, an existing or proposed major public facility or other area of major public investment, including, but not limited to, highways, ports, airports, energy facilities, and water management projects.³⁶

Areas currently designated as ACSCs include the Big Cypress Area,³⁷ the Green Swamp Area,³⁸ the Florida Keys Area,³⁹ the Apalachicola Bay Area,⁴⁰ and the Brevard Barrier Island Area.⁴¹

[Florida Wildlife Corridor](#)

In 2021, the Legislature created the Florida Wildlife Corridor Act (Act) to recognize the need to preserve and protect the lands and waters of the state that provide vital habitats for wide-ranging wildlife, given the state's rapidly growing population.⁴² The Act codified the Florida Wildlife Corridor (Corridor), depicted below,⁴³ which is a geographically defined area comprising more than 18 million acres of land, 10 million of which are conservation lands⁴⁴ and 8 million of which are opportunity areas.⁴⁵

³⁴ [S. 14.202, F.S.](#) (The Administration Commission is part of the Executive Office of the Governor.); *see also* [s. 380.031\(1\), F.S.](#)

³⁵ [S. 380.05, F.S.](#)

³⁶ [S. 380.05\(2\), F.S.](#)

³⁷ [S. 380.055, F.S.](#)

³⁸ [S. 380.0551, F.S.](#)

³⁹ [S. 380.0552, F.S.](#)

⁴⁰ [S. 380.0555, F.S.](#)

⁴¹ [S. 380.0553, F.S.](#)

⁴² Ch. 2021-181, Laws of Fla. *See also* [s. 259.1055\(2\), F.S.](#)

⁴³ Florida Wildlife Corridor, [Florida Wildlife Corridor](#), (last visited Feb. 17, 2026).

⁴⁴ "Conservation lands" are federal, state, or local lands owned or managed for conservation purposes, including, but not limited to, federal, state, and local parks; federal and state forests; wildlife management areas; wildlife refuges; military bases and airports with conservation lands; properties owned by land trusts and managed for conservation; and privately owned land with a conservation easement, including, but not limited to, ranches, forestry operations, and groves. [S. 259.1055\(4\)\(a\), F.S.](#)

⁴⁵ "Opportunity areas" are those lands and waters within the Florida wildlife corridor (Corridor) which are not conserved lands, and the green spaces within the Corridor which lack conservation status, which are contiguous to or between conserved lands and which provide an opportunity to develop the Corridor into a statewide conservation network. [S. 259.1055\(4\)\(e\), F.S.](#) *See also* Department of Environmental Protection, [Florida Wildlife Corridor](#) (last visited Feb. 17, 2026).



The purpose of the Act, and the Corridor itself, is to create incentives for conservation and sustainable development while sustaining and conserving the green infrastructure that is the foundation of Florida's economy and quality of life by:

- Maintaining wildlife access to the habitats needed to allow for migration of and genetic exchange amongst regional wildlife populations.
- Preventing fragmentation of wildlife habitats.
- Protecting the headwaters of major watersheds, including the Everglades and the St. Johns River.
- Providing ecological connectivity of the lands needed for flood and sea-level rise resiliency and large-scale ecosystem functions, such as water management and prescribed burns essential for land management and restoration.
- Preserving and protecting land and waters that are not only vital to wildlife but are critical to this state's groundwater recharge and that serve as watersheds that provide drinking water to most Floridians and help maintain the health of downstream coastal estuaries.
- Providing for wildlife crossings for the protection and safety of wildlife and the traveling public
- Helping to sustain this state's working ranches, farms, and forests that provide compatible wildlife habitats while sustaining rural prosperity and agricultural production.⁴⁶

⁴⁶ [S. 259.1055\(3\), 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	1/21/2026	Curtin	Wright
THE CHANGES ADOPTED BY THE COMMITTEE:	The amendment removes certain farming-related activities from the definitions of “industrial use” in the Live Local Act.			
Intergovernmental Affairs Subcommittee	13 Y, 3 N	2/12/2026	Darden	Burgess
Commerce Committee	19 Y, 0 N, As CS	2/18/2026	Hamon	Wright
THE CHANGES ADOPTED BY THE COMMITTEE:	The amendment provides exceptions to the Live Local Act for: <ul style="list-style-type: none"> • Areas subject to land development regulations in existence before July 1, 2026, intended to retain the open character of land; • Areas of critical state concern; and • The Florida wildlife corridor. 			

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