

FLORIDA HOUSE OF REPRESENTATIVES FINAL 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

FINAL HOUSE FLOOR ACTION: 109 Y's 2 N's

GOVERNOR'S ACTION: Pending

SUMMARY

Effect of the Bill:

The bill provides that under the Live Local Act, 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.

Fiscal or Economic Impact:

The bill has an indeterminate fiscal impact on local governments.

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ANALYSIS

EFFECT OF THE BILL:

CS/CS/HB 837 passed as [SB 962](#).

The bill exempts [farms](#) or [farm operations](#) from the [Live Local Act](#). (Sections 1 and 2)

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](#). 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)

Subject to the Governor's veto powers, the bill provides an effective date of upon becoming law. (Section 3)

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.¹ Specifically, counties and municipalities must allow a multifamily or mixed-use residential² rental development in

¹ [Ch. 2023-17, ss. 3, 5, Laws of Fla.](#), codified as [ss. 125.01055\(7\)](#) and [166.04151\(7\), F.S.](#)

² 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.](#)

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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.³

The Live Local Act provides the following definitions:⁴

- **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, 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 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 density⁵ 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 allowed⁶ and may not restrict the floor area ratio⁷ 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.⁸

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

³ [Ss. 125.01055\(7\)\(a\)](#) and [166.04151\(7\)\(a\), F.S.](#)

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

⁵ “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.](#)

⁶ [Ss. 125.01055\(7\)\(b\)](#) and [166.04151\(7\)\(b\), F.S.](#)

⁷ 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.](#)

⁸ [Ss. 125.01055\(7\)\(c\)](#) and [166.04151\(7\)\(c\), F.S.](#)

its jurisdiction within one mile of the proposed development or three stories, whichever is higher.⁹ 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;¹⁰ or
- The proposed development is on a parcel with a contributing structure or building¹¹ within a historic district listed in the National Register of Historic Places¹² (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.¹³

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.¹⁴

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.¹⁵

⁹ [Ss. 125.01055\(7\)\(d\)1.](#) and [166.04151\(7\)\(d\)1., F.S.](#)

¹⁰ [Ss. 125.01055\(7\)\(d\)2.](#) and [166.04151\(7\)\(d\)2., F.S.](#)

¹¹ A contributing building, site, structure, or object adds to the historic associations, historic architectural qualities, or archeological values for which a property is significant. National Park Service (NPS), *Guidelines for Completing National Register of Historic Places Forms, Part A, How to Complete the National Register Registration Form*, p. 16, <https://www.nps.gov/subjects/nationalregister/upload/NRB16A-Complete.pdf> (last visited Mar. 16, 2026).

¹² 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 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 Mar. 13, 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 Mar. 13, 2026).

¹³ [Ss. 125.01055\(7\)\(d\)3.](#) and [166.0415\(7\)\(d\)3., F.S.](#)

¹⁴ 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.](#)

¹⁵ 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.](#)

The provisions of the Live Local Act described above do not apply to airport-impacted areas,¹⁶ recreational and commercial waterfronts in industrial areas,¹⁷ the Wekiva Study Area,¹⁸ and the Everglades Protection Area.^{19,20}

These provisions of the Live Local Act are effective until October 1, 2033.²¹

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.²²

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.²³

The Act provides the following definitions:²⁴

- **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.

¹⁶ See [s. 333.03, F.S.](#)

¹⁷ See [s. 342.201\(2\)\(b\), F.S.](#)

¹⁸ See [s. 369.316, F.S.](#)

¹⁹ See [s. 373.4592\(2\), F.S.](#)

²⁰ [Ss. 125.01055\(7\)\(o\), F.S.](#) and [166.04151\(7\)\(o\), F.S.](#)

²¹ [Ss. 125.01055, F.S.](#) and [166.04151\(7\)\(p\), F.S.](#)

²² Ch. 79-61, Laws of Fla.

²³ [S. 823.14\(2\), F.S.](#)

²⁴ [S. 823.14\(3\), F.S.](#)