

1                   A bill to be entitled  
2       An act relating to affordable housing; amending ss.  
3       125.01055 and 166.04151, F.S.; revising the  
4       definitions of certain land use categories for which  
5       certain residential development may be authorized to  
6       exclude farms and farm operations and uses associated  
7       therewith; providing an effective date.  
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9   Be It Enacted by the Legislature of the State of Florida:  
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11           **Section 1. Paragraph (n) of subsection (7) of section**  
12 **125.01055, Florida Statutes, is amended to read:**

13       125.01055   Affordable housing.—

14       (7)

15       (n)   As used in this subsection, the term:

16       1.   "Commercial use" means activities associated with the  
17   sale, rental, or distribution of products or the performance of  
18   services related thereto. The term includes, but is not limited  
19   to, such uses or activities as retail sales; wholesale sales;  
20   rentals of equipment, goods, or products; offices; restaurants;  
21   public lodging establishments as described in s. 509.242(1)(a);  
22   food service vendors; sports arenas; theaters; tourist  
23   attractions; and other for-profit business activities. A parcel  
24   zoned to permit such uses by right without the requirement to  
25   obtain a variance or waiver is considered commercial use for the

26 | purposes of this section, irrespective of the local land  
27 | development regulation's listed category or title. The term does  
28 | not include home-based businesses or cottage food operations  
29 | undertaken on residential property;~~;~~ public lodging  
30 | establishments as described in s. 509.242(1)(c); farms or farm  
31 | operations as defined in s. 823.14(3) or uses associated  
32 | therewith, including the packaging and sale of products raised  
33 | on the premises;~~;~~ or uses that are accessory, ancillary,  
34 | incidental to the allowable uses, or allowed only on a temporary  
35 | basis. Recreational uses, such as golf courses, tennis courts,  
36 | swimming pools, and clubhouses, within an area designated for  
37 | residential use are not commercial use, irrespective of how they  
38 | are operated.

39 |       2. "Industrial use" means activities associated with the  
40 | manufacture, assembly, processing, or storage of products or the  
41 | performance of services related thereto. The term includes, but  
42 | is not limited to, such uses or activities as automobile  
43 | manufacturing or repair, boat manufacturing or repair, junk  
44 | yards, meat packing facilities, citrus processing and packing  
45 | facilities, produce processing and packing facilities,  
46 | electrical generating plants, water treatment plants, sewage  
47 | treatment plants, and solid waste disposal sites. A parcel zoned  
48 | to permit such uses by right without the requirement to obtain a  
49 | variance or waiver is considered industrial use for the purposes  
50 | of this section, irrespective of the local land development

regulation's listed category or title. The term does not include farms or farm operations as defined in s. 823.14(3) or uses associated therewith, including the packaging and sale of products raised on the premises, 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 industrial use, irrespective of how they are operated.

3. "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 farms or farm operations as defined in s. 823.14(3) or uses associated therewith, including the packaging and sale of products raised on the premises, 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 mixed use, irrespective of how they are operated.

4. "Planned unit development" has the same meaning as provided in s. 163.3202(5)(b).

**Section 2. Paragraph (n) of subsection (7) of section 166.04151, Florida Statutes, is amended to read:**

166.04151 Affordable housing.—

(7)

(n) As used in this subsection, the term:

1. "Commercial use" means activities associated with the sale, rental, or distribution of products or the performance of services related thereto. 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; public lodging establishments as described in s. 509.242(1)(a); 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 for the purposes of this section, 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;~~;~~ public lodging establishments as described in s. 509.242(1)(c); farms or farm operations as defined in s. 823.14(3) or uses associated therewith, including the packaging and sale of products raised on the premises;~~;~~ 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.

2. "Industrial use" means activities associated with the manufacture, assembly, processing, or storage of products or the performance of services related thereto. 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 farms or farm operations as defined in s. 823.14(3) or uses associated therewith, including the packaging and sale of products raised on the premises, 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 industrial use, irrespective of how they are operated.

3. "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 farms or farm operations as defined in s. 823.14(3) or

126 uses associated therewith, including the packaging and sale of  
127 products raised on the premises, or uses that are accessory,  
128 ancillary, incidental to the allowable uses, or allowed only on  
129 a temporary basis. Recreational uses, such as golf courses,  
130 tennis courts, swimming pools, and clubhouses, within an area  
131 designated for residential use are not mixed use, irrespective  
132 of how they are operated.

133       4. "Planned unit development" has the same meaning as  
134 provided in s. 163.3202(5)(b).

135       **Section 3.** This act shall take effect July 1, 2026.