

CS/HB 837

2026

A bill to be entitled
An act relating to affordable housing; amending ss. 125.01055 and 166.04151, F.S.; revising the definitions of certain land use categories for which certain residential development may be authorized to exclude farms and farm operations and uses associated therewith; revising the definition of the term "industrial use" to exclude certain facilities; providing an effective date.

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

Section 1. Paragraph (n) of subsection (7) of section 125.01055, Florida Statutes, is amended to read:

125.01055 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

26 zoned to permit such uses by right without the requirement to
27 obtain a variance or waiver is considered commercial use for the
28 purposes of this section, irrespective of the local land
29 development regulation's listed category or title. The term does
30 not include home-based businesses or cottage food operations
31 undertaken on residential property; ~~;~~ public lodging
32 establishments as described in s. 509.242(1)(c); farms or farm
33 operations as defined in s. 823.14(3) or uses associated
34 therewith, including the packaging and sale of products raised
35 on the premises; ~~;~~ or uses that are accessory, ancillary,
36 incidental to the allowable uses, or allowed only on a temporary
37 basis. Recreational uses, such as golf courses, tennis courts,
38 swimming pools, and clubhouses, within an area designated for
39 residential use are not commercial use, irrespective of how they
40 are operated.

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

51 variance or waiver is considered industrial use for the purposes
52 of this section, irrespective of the local land development
53 regulation's listed category or title. The term does not include
54 farms or farm operations as defined in s. 823.14(3) or uses
55 associated therewith, including the packaging and sale of
56 products raised on the premises, or uses that are accessory,
57 ancillary, incidental to the allowable uses, or allowed only on
58 a temporary basis. Recreational uses, such as golf courses,
59 tennis courts, swimming pools, and clubhouses, within an area
60 designated for residential use are not industrial use,
61 irrespective of how they are operated.

62 3. "Mixed use" means any use that combines multiple types
63 of approved land uses from at least two of the residential use,
64 commercial use, and industrial use categories. The term does not
65 include farms or farm operations as defined in s. 823.14(3) or
66 uses associated therewith, including the packaging and sale of
67 products raised on the premises, or uses that are accessory,
68 ancillary, incidental to the allowable uses, or allowed only on
69 a temporary basis. Recreational uses, such as golf courses,
70 tennis courts, swimming pools, and clubhouses, within an area
71 designated for residential use are not mixed use, irrespective
72 of how they are operated.

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

75 **Section 2. Paragraph (n) of subsection (7) of section**

76 **166.04151, Florida Statutes, is amended to read:**

77 166.04151 Affordable housing.—

78 (7)

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

80 1. "Commercial use" means activities associated with the
81 sale, rental, or distribution of products or the performance of
82 services related thereto. The term includes, but is not limited
83 to, such uses or activities as retail sales; wholesale sales;
84 rentals of equipment, goods, or products; offices; restaurants;
85 public lodging establishments as described in s. 509.242(1)(a);
86 food service vendors; sports arenas; theaters; tourist
87 attractions; and other for-profit business activities. A parcel
88 zoned to permit such uses by right without the requirement to
89 obtain a variance or waiver is considered commercial use for the
90 purposes of this section, irrespective of the local land
91 development regulation's listed category or title. The term does
92 not include home-based businesses or cottage food operations
93 undertaken on residential property;~~r~~ public lodging
94 establishments as described in s. 509.242(1)(c); farms or farm
95 operations as defined in s. 823.14(3) or uses associated
96 therewith, including the packaging and sale of products raised
97 on the premises;~~r~~ or uses that are accessory, ancillary,
98 incidental to the allowable uses, or allowed only on a temporary
99 basis. Recreational uses, such as golf courses, tennis courts,
100 swimming pools, and clubhouses, within an area designated for

101 residential use are not commercial use, irrespective of how they
102 are operated.

103 2. "Industrial use" means activities associated with the
104 manufacture, assembly, processing, or storage of products or the
105 performance of services related thereto. The term includes, but
106 is not limited to, such uses or activities as automobile
107 manufacturing or repair, boat manufacturing or repair, junk
108 yards, ~~meat packing facilities, citrus processing and packing~~
109 facilities, ~~produce processing and packing facilities,~~
110 electrical generating plants, water treatment plants, sewage
111 treatment plants, and solid waste disposal sites. A parcel zoned
112 to permit such uses by right without the requirement to obtain a
113 variance or waiver is considered industrial use for the purposes
114 of this section, irrespective of the local land development
115 regulation's listed category or title. The term does not include
116 farms or farm operations as defined in s. 823.14(3) or uses
117 associated therewith, including the packaging and sale of
118 products raised on the premises, or uses that are accessory,
119 ancillary, incidental to the allowable uses, or allowed only on
120 a temporary basis. Recreational uses, such as golf courses,
121 tennis courts, swimming pools, and clubhouses, within an area
122 designated for residential use are not industrial use,
123 irrespective of how they are operated.

124 3. "Mixed use" means any use that combines multiple types
125 of approved land uses from at least two of the residential use,

126 commercial use, and industrial use categories. The term does not
127 include farms or farm operations as defined in s. 823.14(3) or
128 uses associated therewith, including the packaging and sale of
129 products raised on the premises, or uses that are accessory,
130 ancillary, incidental to the allowable uses, or allowed only on
131 a temporary basis. Recreational uses, such as golf courses,
132 tennis courts, swimming pools, and clubhouses, within an area
133 designated for residential use are not mixed use, irrespective
134 of how they are operated.

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

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