

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; revising the definition of the term
 8 "industrial use" to exclude certain facilities;
 9 providing exceptions; providing an effective date.

10
 11 Be It Enacted by the Legislature of the State of Florida:

12
 13 **Section 1. Paragraphs (n) and (o) of subsection (7) of**
 14 **section 125.01055, Florida Statutes, are amended to read:**

15 125.01055 Affordable housing.—

16 (7)

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

18 1. "Commercial use" means activities associated with the
 19 sale, rental, or distribution of products or the performance of
 20 services related thereto. The term includes, but is not limited
 21 to, such uses or activities as retail sales; wholesale sales;
 22 rentals of equipment, goods, or products; offices; restaurants;
 23 public lodging establishments as described in s. 509.242(1)(a);
 24 food service vendors; sports arenas; theaters; tourist
 25 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 (o) This subsection does not apply to:

- 76 1. Airport-impacted areas as provided in s. 333.03.
- 77 2. Property defined as recreational and commercial working
- 78 waterfront in s. 342.201(2)(b) in any area zoned as industrial.
- 79 3. The Wekiva Study Area, as described in s. 369.316.
- 80 4. The Everglades Protection Area, as defined in s.
- 81 373.4592(2).
- 82 5. Areas subject to land development regulations as
- 83 defined in s. 163.3164 that are in existence before July 1,
- 84 2026, which are intended to retain the open character of land,
- 85 including, but not limited to, open space districts, open space
- 86 recreation districts, open use estate districts, open use rural
- 87 districts, and park and open space districts.
- 88 6. Any area of critical state concern, as designated in
- 89 ss. 380.055, 380.0551, 380.0552, 380.0553, and 380.0555.
- 90 7. The Florida wildlife corridor, as defined in s.
- 91 259.1055(4).

92 **Section 2. Paragraphs (n) and (o) of subsection (7) of**
 93 **section 166.04151, Florida Statutes, are amended to read:**

94 166.04151 Affordable housing.—

95 (7)

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

- 97 1. "Commercial use" means activities associated with the
- 98 sale, rental, or distribution of products or the performance of
- 99 services related thereto. The term includes, but is not limited
- 100 to, such uses or activities as retail sales; wholesale sales;

101 rentals of equipment, goods, or products; offices; restaurants;
 102 public lodging establishments as described in s. 509.242(1)(a);
 103 food service vendors; sports arenas; theaters; tourist
 104 attractions; and other for-profit business activities. A parcel
 105 zoned to permit such uses by right without the requirement to
 106 obtain a variance or waiver is considered commercial use for the
 107 purposes of this section, irrespective of the local land
 108 development regulation's listed category or title. The term does
 109 not include home-based businesses or cottage food operations
 110 undertaken on residential property;7 public lodging
 111 establishments as described in s. 509.242(1)(c); farms or farm
 112 operations as defined in s. 823.14(3) or uses associated
 113 therewith, including the packaging and sale of products raised
 114 on the premises;7 or uses that are accessory, ancillary,
 115 incidental to the allowable uses, or allowed only on a temporary
 116 basis. Recreational uses, such as golf courses, tennis courts,
 117 swimming pools, and clubhouses, within an area designated for
 118 residential use are not commercial use, irrespective of how they
 119 are operated.

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128 treatment plants, and solid waste disposal sites. A parcel zoned
129 to permit such uses by right without the requirement to obtain a
130 variance or waiver is considered industrial use for the purposes
131 of this section, irrespective of the local land development
132 regulation's listed category or title. The term does not include
133 farms or farm operations as defined in s. 823.14(3) or uses
134 associated therewith, including the packaging and sale of
135 products raised on the premises, or uses that are accessory,
136 ancillary, incidental to the allowable uses, or allowed only on
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142 of approved land uses from at least two of the residential use,
143 commercial use, and industrial use categories. The term does not
144 include farms or farm operations as defined in s. 823.14(3) or
145 uses associated therewith, including the packaging and sale of
146 products raised on the premises, or uses that are accessory,
147 ancillary, incidental to the allowable uses, or allowed only on
148 a temporary basis. Recreational uses, such as golf courses,
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158 3. The Wekiva Study Area, as described in s. 369.316.

159 4. The Everglades Protection Area, as defined in s.
160 373.4592(2).

161 5. Areas subject to land development regulations as
162 defined in s. 163.3164 that are in existence before July 1,
163 2026, which are intended to retain the open character of land,
164 including, but not limited to, open space districts, open space
165 recreation districts, open use estate districts, open use rural
166 districts, and park and open space districts.

167 6. Any area of critical state concern, as designated in
168 ss. 380.055, 380.0551, 380.0552, 380.0553, and 380.0555.

169 7. The Florida wildlife corridor, as defined in s.
170 259.1055(4).

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