

By the Committee on Community Affairs; and Senators McClain, Rodriguez, DiCeglie, Smith, and Rouson

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30 governments for applications for and approvals of lot
31 splits; establishing an application process for
32 development applications for residential lots;
33 requiring a local government to process such
34 applications in a certain manner within certain
35 timeframes; requiring the approval of such development
36 applications by right under certain circumstances;
37 authorizing an applicant to request, and requiring the
38 local government to grant, certain extensions;
39 prohibiting a local government from imposing, or from
40 requiring an applicant to request, such an extension;
41 providing that certain applications are deemed
42 approved by right under certain circumstances;
43 requiring a local government to issue to an applicant
44 a refund of the application fee under certain
45 circumstances; providing construction; authorizing
46 certain property owners and housing organizations to
47 maintain a cause of action under certain
48 circumstances; defining the term "housing
49 organization"; specifying the procedure for such
50 actions; authorizing the award of specified relief;
51 providing that a prevailing plaintiff is entitled to
52 attorney fees and costs; providing a waiver of
53 sovereign immunity; providing construction; providing
54 retroactive application; providing for liberal
55 construction; providing that certain local government
56 regulations are void and unenforceable to a specified
57 extent; amending s. 163.514, F.S.; authorizing the
58 board of a neighborhood improvement district to plan,

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59 finance, or complete structural safety or building
60 compliance improvements if approved by a majority vote
61 of the district's residents or by a certain advisory
62 council; amending s. 177.071, F.S.; providing
63 applicability; requiring an administrative authority
64 to follow certain application procedures for
65 applications for certain plats and replats; amending
66 s. 553.382, F.S.; authorizing the placement of a
67 residential manufactured building on any lot in a
68 recreational vehicle park; conforming provisions to
69 changes made by the act; creating s. 553.385, F.S.;
70 defining the terms "local government" and "off-site
71 constructed residential dwelling"; requiring the
72 permitting as of right of an off-site constructed
73 residential dwelling in certain zoning districts;
74 prohibiting a local government from adopting or
75 enforcing certain regulations; providing construction;
76 authorizing a local government to adopt compatibility
77 standards that are limited to certain architectural
78 features; prohibiting a local government from treating
79 off-site constructed residential dwellings differently
80 than factory-built buildings based on certain
81 circumstances; prohibiting a local government from
82 adopting or enforcing certain zoning, land use, or
83 development ordinances and regulations; prohibiting
84 local government ordinances and regulations from
85 having certain effects; providing that certain local
86 government ordinances and regulations are void and
87 unenforceable to a specified extent; providing an

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88 effective date.

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

92 Section 1. Subsection (10) is added to section 125.022,
93 Florida Statutes, to read:

94 125.022 Development permits and orders.—

95 (10) Subsections (2), (3), and (4) do not apply to an
96 application for approval of a development permit or development
97 order for a residential lot as defined in s. 163.3254(3). For
98 such applications, the county shall follow the application
99 procedures established in s. 163.3254(7).100 Section 2. Subsection (10) is added to section 166.033,
101 Florida Statutes, to read:

102 166.033 Development permits and orders.—

103 (10) Subsections (2), (3), and (4) do not apply to an
104 application for approval of a development permit or development
105 order for a residential lot as defined in s. 163.3254(3). For
106 such applications, the municipality shall follow the application
107 procedures established in s. 163.3254(7).108 Section 3. Section 163.3254, Florida Statutes, is created
109 to read:110 163.3254 Florida Starter Homes Act.—The Florida Starter
111 Homes Act is created to make home ownership, renting, and
112 leasing more affordable for the residents of this state by
113 increasing the supply of housing for the residents of this
114 state.115 (1) This section may be cited as the "Florida Starter Homes
116 Act."

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117 (2) The Legislature finds that:

118 (a) The median price of homes in this state has increased
119 steadily in the decade preceding 2026, rising at a greater rate
120 of increase than the median income in this state.

121 (b) There is a housing shortage in this state which
122 constitutes a threat to the health, safety, and welfare of the
123 residents of this state, and this shortage has caused the costs
124 of home ownership, renting, and leasing to often exceed an
125 amount that is affordable for residents of this state.

126 (c) The housing shortage is caused, to a significant
127 extent, by regulations governing residential lots which have
128 been imposed by local governments without a compelling
129 governmental interest. Such regulations substantially burden the
130 basic right under the State Constitution to acquire, possess,
131 and protect property.

132 (d) Single-family detached homes, single-family attached
133 homes, townhouses, duplexes, triplexes, and quadruplexes are
134 affordable starter homes for residents of this state to own,
135 rent, or lease.

136 (e) Regulations governing residential lots which have been
137 imposed by local governments do not encourage a high degree of
138 flexibility relating to residential development, and such
139 regulations prevent the development of starter homes on
140 residential lots smaller in size, due, in part, to minimum lot
141 size requirements and restrictions on the types of dwellings
142 allowed to be constructed on residential lots.

143 (f) The important public purpose sought to be achieved by
144 allowing starter homes on residential lots that are smaller in
145 size is to increase the supply of housing, which will make home

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146 ownership, renting, and leasing more affordable for the
147 residents of this state.

148 (3) For purposes of this section, the term:

149 (a) "Business day" means all calendar days except
150 Saturdays, Sundays, and holidays under s. 110.117(1).

151 (b) "By right" means administrative approval as a matter of
152 right by a local government of a development application that
153 objectively complies with applicable zoning regulations and for
154 which the local government may not impose a public hearing; any
155 action by a governing body, reviewing body, or quasi-judicial
156 body; a variance; a conditional use permit, special permit, or
157 special exception; or any other discretionary regulation.

158 (c) "Compelling governmental interest" means a governmental
159 interest of the highest order which cannot be achieved through
160 less restrictive means. A compelling governmental interest must
161 have a real and substantial connection to protecting public
162 safety, health, or reasonable enjoyments and expectations of
163 property, such as requiring the structural integrity, safe
164 plumbing, or safe electricity of buildings, or preventing or
165 abating nuisances.

166 (d) "Development" has the same meaning as in s. 380.04.

167 (e) "Development application" means an application for
168 approval of any of the following:

169 1. A lot split or subdivision.

170 2. A plat or replat.

171 3. A development bonus for additional height, density, or
172 floor area ratio.

173 4. The demolition of an existing structure, if the
174 demolition objectively complies with applicable regulations.

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175 5. Any other development order or development permit as
176 those terms are defined in s. 163.3164, except for building
177 permits.

178 (f) "Dwelling unit" means a single unit formed by one or
179 more rooms within a dwelling which is used, or is designed to be
180 used, as a home, residence, or sleeping place for at least one
181 person.

182 (g) "Impose" means request or adopt, enact, establish,
183 maintain, enforce, mandate, compel, force, or otherwise require.

184 (h) "Local government" means any county, municipality, or
185 special district.

186 (i) "Lot" means a parcel, tract, tier, block, site, unit,
187 or any other division of land.

188 (j) "Lot split" means the division of a parent parcel into
189 no more than eight residential lots.

190 (k) "Nuisance" means persistent activity that injures the
191 physical condition or interferes with the use of adjacent land,
192 is injurious to health or safety, or objectively offends the
193 senses.

194 (l) "Objectively" means in a way that involves no personal
195 or subjective judgment by a public official and that is
196 uniformly verifiable by reference to an external and uniform
197 benchmark or criterion available and knowable by both the local
198 government and the development applicant, development proponent,
199 or property owner, as applicable.

200 (m) "Parent parcel" means the original lot from which
201 subsequent lots are created.

202 (n) "Public transit stop" means a stop or station used for
203 public purposes for transit services, including for a bus rapid

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204 transit service, a bus system, a streetcar, a commuter rail
205 service as defined in s. 341.301, an intercity rail
206 transportation system as defined in s. 341.301, or a fixed-
207 guideway transportation system as defined in s. 341.031(2). The
208 term does not include a stop or station for a people-mover
209 system in a public-use airport as defined in s. 332.004 or for
210 an intercity rail transportation system in a rural community as
211 defined in s. 288.0656(2).

212 (o) "Public water system" has the same meaning as in s.
213 403.852(2).

214 (p) "Regulation" means a comprehensive plan, a development
215 order, or a land development regulation as those terms are
216 defined in s. 163.3164 or any other local government ordinance,
217 resolution, policy, action, procedure, condition, guideline,
218 development agreement, or land development code.

219 (q) "Residential lot" means a lot that is zoned for
220 residential use or on which at least one type of starter home is
221 an existing or lawful use. The term does not include a lot that
222 is located within an area of critical state concern designated
223 pursuant to s. 380.05.

224 (r) "Sewerage system" has the same meaning as in s.
225 403.031. The term does not include an onsite sewage treatment
226 and disposal system as defined in s. 403.031.

227 (s) "Shared space" means a driveway, an alley, or a common
228 open space, such as a courtyard or pocket park.

229 (t) "Starter home" means a dwelling with one, two, three,
230 or four dwelling units. The term includes, but is not limited
231 to, single-family detached homes, single-family attached homes,
232 townhouses as defined in s. 481.203, duplexes, triplexes, and

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233 quadruplexes, and the curtilage thereof.

234 (u) "Subdivision" means the division of a parent parcel
235 into nine or more residential lots. The term includes streets,
236 alleys, additions, and resubdivisions.

237 (4) (a)1. A local government may not impose a regulation
238 that governs residential lots unless such regulation is:

239 a. In furtherance of a compelling governmental interest;
240 and
241 b. The least restrictive means of furthering that
242 compelling governmental interest.

243 2. Subparagraph 1. does not apply to regulations that:

244 a. Prevent or abate a nuisance;
245 b. Enforce the terms of a license, a permit, or an
246 authorization;

247 c. Enforce any requirement imposed by federal law; or
248 d. Are the result of a final, nonappealable judicial
249 determination.

250 3. Any ambiguity in a regulation that governs residential
251 lots must be construed in favor of the basic rights to acquire,
252 possess, and protect property, including, but not limited to,
253 the right to approval by right of a development or development
254 application.

255 (b) If a residential lot is connected to a public water
256 system and a sewerage system, or will be connected to such
257 systems as part of a lot split plan or subdivision plan, a local
258 government may not impose a regulation that does any of the
259 following:

260 1. Requires a minimum lot size that is greater than 1,200
261 square feet for existing lots, lots created by a lot split, or

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262 lots created by subdivision.

263 2. Prohibits, limits, or otherwise restricts the
264 development of a starter home.

265 3. Requires a minimum setback that is greater than: 0 feet
266 from the sides; 10 feet from the rear; or 20 feet from the
267 front, or 0 feet from the front if the lot fronts or abuts a
268 shared space.

269 4. Requires a minimum dimension of a lot, including its
270 width or depth, to exceed 20 feet if the lot meets the relevant
271 minimum lot size requirement.

272 5. Requires more than 30 percent of lot area to be reserved
273 for open space or permeable surface.

274 6. Requires a maximum building height of less than three
275 stories or 35 feet above grade or, if applicable, three stories
276 or 35 feet above the base flood elevation established by the
277 Federal Emergency Management Agency.

278 7. Requires a maximum floor area ratio of less than 3.

279 8. Requires the property owner to occupy the property.

280 9. Requires a minimum size for a starter home which is
281 greater than that required by the Florida Building Code.

282 10. Requires a maximum residential density, typically
283 measured in dwelling units per acre, which is more restrictive
284 than the requirements of this subsection.

285 (5) (a) Regulations imposed by a local government must allow
286 a residential lot to front or abut a shared space instead of a
287 public right-of-way.

288 (b) A local government may not impose a regulation that
289 requires a minimum number of parking spaces greater than one per
290 residential dwelling unit for residential lots that are 4,000

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291 square feet or less, or any minimum number of parking spaces for
292 residential lots within a one-half mile radius of a public
293 transit stop that is open for public use on or after January 1,
294 2026.

295 (c) A local government may not impose a regulation that
296 prohibits, limits, or otherwise restricts lot splits or the
297 development of starter homes on a residential lot that contains
298 historic property as defined in s. 267.021, except for:

299 1. Regulations relating to building design elements which
300 may be applied pursuant to s. 163.3202(5)(a)1.; or
301 2. Regulations that prohibit, limit, or otherwise restrict
302 the demolition or alteration of a structure or building that is
303 individually listed in the National Register of Historic Places,
304 or that is a contributing structure or building within a
305 historic district which was listed in the National Register of
306 Historic Places before January 1, 2000.

307 (6) Local government regulations must include a process
308 through which an applicant may seek review and approval of a lot
309 split.

310 (a) A lot split must be approved by right if the lot split
311 objectively complies with the requirements of this section.

312 (b) Regulations imposed by a local government which
313 establish criteria for the application for, or approval of, a
314 lot split are limited to the following:

315 1. The requirement that an applicant provide the relevant
316 documentation and pay a fee for the cost of review of such
317 documentation. Any other fee imposed on the application for, or
318 approval of, a lot split is prohibited.

319 2. The requirement that lots created by the lot split

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320 comply with applicable zoning regulations that govern the parent
321 parcel.

322 3. The requirement that the parent parcel was not created
323 by a lot split or subdivision during the previous 12 months.

324 (7) (a) A local government shall confirm receipt of a
325 development application for a residential lot within 5 business
326 days after receipt of the application using the contact
327 information provided by the applicant. Within 10 business days
328 after receiving the application, the local government shall
329 review the application for completeness and issue a written
330 notification to the applicant indicating that all required
331 information is submitted or specify in writing with
332 particularity any areas that are deficient. If the application
333 is deficient, the applicant has 60 business days to address the
334 deficiencies by submitting the required additional information.

335 (b) Within 5 business days after receipt of such additional
336 information, the local government shall issue a written
337 notification to the applicant indicating that all required
338 information is submitted or specify in writing with
339 particularity any areas that remain deficient. The local
340 government may request additional information up to three times
341 if necessary to address an initially identified area of
342 deficiency. However, the local government may not raise a new
343 area of deficiency in a subsequent request for additional
344 information unless the deficiency was caused by a material
345 change introduced by the applicant in the additional information
346 provided to the local government. Before making a third request
347 for additional information, the local government must offer the
348 applicant a meeting to discuss and resolve any outstanding areas

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349 of deficiency. If the applicant believes that a request for
350 additional information is not authorized by law, the local
351 government, at the applicant's request, must process the
352 application for approval or denial. If a local government deems
353 an application incomplete after making three requests for
354 additional information, the local government must process the
355 application for approval or denial.

356 (c) The local government shall approve the development
357 application by right within 20 business days after deeming the
358 application complete and may not impose any further action. Any
359 denial of the application must include written findings
360 supporting the local government's decision.

361 (d) At any point during the timeframes specified in
362 paragraph (a) or paragraph (b), an applicant may request, and
363 the local government must grant, an extension of time for up to
364 60 business days. However, a local government may not impose an
365 extension of time or require an applicant to request an
366 extension of time.

367 (e) If a local government fails to:
368 1. Issue a written notification of completeness or written
369 specification of areas of deficiency within 10 business days
370 after receiving a development application;
371 2. Issue a written notification of completeness or written
372 specification of areas of deficiency within 5 days after
373 receiving additional information; or
374 3. Approve an application by right within 20 days after
375 deeming the application complete,
376 the application is deemed approved by right, and the local

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378 government must issue written notification of approval by the
379 next business day and issue to the applicant a refund equal to
380 100 percent of the application fee.

381 (f) The timeframes contained in this subsection do not
382 supersede any other timeframes provided in state law which are
383 less restrictive than this subsection for property owners or
384 development, such as a shorter timeframe for a local government
385 to review documentation or to approve a development application.

386 (8) (a) A property owner or housing organization aggrieved
387 or adversely affected by a regulation imposed by a local
388 government in violation of this section may maintain a cause of
389 action for damages in the county in which the property is
390 located. As used in this paragraph, the term "housing
391 organization" means a trade or industry group that constructs or
392 manages housing units, a nonprofit organization that provides or
393 advocates for increased access or reduced barriers to housing,
394 or a nonprofit organization that is engaged in public policy
395 research, education, or outreach that includes housing-policy-
396 related issues.

397 (b)1. In a proceeding under this subsection, an aggrieved
398 or adversely affected party is entitled to the summary procedure
399 provided in s. 51.011, and the court shall advance the cause on
400 the calendar. The court shall review the evidence de novo and
401 enter written findings of fact based on the preponderance of the
402 evidence that a local government has imposed a regulation in
403 violation of this section.

404 2. An aggrieved or adversely affected party shall prevail
405 in an action filed under this subsection unless the local
406 government demonstrates to the court by clear and convincing

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407 evidence that the regulation is:

408 a. In furtherance of a compelling governmental interest;

409 and

410 b. The least restrictive means of furthering the compelling
411 governmental interest.

412 (c) The court may do any of the following:

413 1. Enter a declaratory judgment as is provided by chapter
414 86.

415 2. Issue a writ of mandamus.

416 3. Issue an injunction to prevent a violation of this
417 section.

418 4. Remand the matter to the land development regulation
419 commission for action consistent with the judgment.

420 (d) A prevailing plaintiff is entitled to recover
421 reasonable attorney fees and costs, including reasonable
422 appellate attorney fees and costs.

423 (9) This section waives sovereign immunity for any local
424 government to the extent liability is created in this section.

425 (10) This section does not prohibit, limit, or otherwise
426 restrict a condominium association, a homeowners' association,
427 or a cooperative from adopting or approving governing documents,
428 or a property owner from establishing deed restrictions, if such
429 adoption, approval, or establishment is voluntary and not
430 imposed by a local government. If such adoption, approval, or
431 establishment is imposed by the local government, the governing
432 document or deed restriction, as applicable, is deemed a local
433 government regulation under this section and is void and
434 unenforceable to the extent that it conflicts with this section.

435 (11) This section applies retroactively to any local

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436 government regulation that is contrary to this section or its
437 intent. This section is remedial and shall be liberally
438 construed to effectuate its intent. Any local government
439 regulation contrary to this section is void and unenforceable to
440 the extent that it conflicts with this section.

441 Section 4. Present subsection (17) of section 163.514,
442 Florida Statutes, is redesignated as subsection (18), and a new
443 subsection (17) is added to that section, to read:

444 163.514 Powers of neighborhood improvement districts.—
445 Unless prohibited by ordinance, the board of any district shall
446 be empowered to:

447 (17) Plan, finance, or complete structural safety or
448 building compliance improvements, including improvements
449 required under state or local structural recertification
450 programs, if such improvements are approved by:

451 (a) A majority vote of the district's residents; or
452 (b) An advisory council composed of residents of the
453 district, if such a council has been established by local
454 ordinance pursuant to s. 163.506.

455 Section 5. Subsection (6) is added to section 177.071,
456 Florida Statutes, to read:

457 177.071 Administrative approval of plats or replats by
458 designated county or municipal official.—

459 (6) Subsection (3) does not apply to a plat or a replat
460 under this part for a residential lot as defined in s.
461 163.3254(3). For such plats and replats, the administrative
462 authority shall follow the application procedures established in
463 s. 163.3254(7).

464 Section 6. Section 553.382, Florida Statutes, is amended to

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465 read:

466 553.382 Placement of certain housing.—Notwithstanding any
467 other law or ordinance to the contrary, in order to expand the
468 availability of affordable housing in this state, any
469 residential manufactured building that is certified under this
470 chapter by the department may be placed on a mobile home lot in
471 a mobile home park, ~~recreational vehicle park~~, or mobile home
472 condominium, cooperative, or subdivision or on any lot in a
473 recreational vehicle park. Any such housing unit placed on a
474 mobile home lot is a mobile home for purposes of chapter 723
475 and, therefore, all rights, obligations, and duties under
476 chapter 723 apply, including the specifics of the prospectus.
477 However, a housing unit subject to this section may not be
478 placed on a mobile home lot without the prior written approval
479 of the park owner. Each housing unit subject to this section
480 which is placed on a mobile home lot shall be taxed as a mobile
481 home under s. 320.08(11) and is subject to payments to the
482 Florida Mobile Home Relocation Fund under s. 723.06116.

483 Section 7. Section 553.385, Florida Statutes, is created to
484 read:

485 553.385 Zoning of off-site constructed residential
486 dwellings; parity.—

487 (1) As used in this section, the term:
488 (a) “Local government” means a county or municipality.
489 (b) “Off-site constructed residential dwelling” means a
490 manufactured building as defined in s. 553.36 which is intended
491 for single-family residential use, or a manufactured home as
492 defined in s. 320.01(2) (b), which is constructed in whole or in
493 part off-site and is treated as real property.

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494 (2) (a) An off-site constructed residential dwelling must be
495 permitted as of right in any zoning district where single-family
496 detached dwellings are allowed.

497 (b) A local government may not adopt or enforce any zoning,
498 land use, or development regulation that treats an off-site
499 constructed residential dwelling differently or more
500 restrictively than a single-family site-built dwelling allowed
501 in the same district.

502 (c) This section does not prohibit a local government from
503 applying generally applicable architectural, aesthetic, design,
504 setback, height, or bulk standards to off-site constructed
505 residential dwellings, provided such standards apply equally to
506 site-built single-family dwellings permitted in the same
507 district. A local government may adopt compatibility standards
508 that are limited to the following architectural features:

- 509 1. Roof pitch.
- 510 2. Square footage of livable space.
- 511 3. Type and quality of exterior finishing materials.
- 512 4. Foundation enclosure.
- 513 5. Existence and type of attached structures.
- 514 6. Building setbacks, lot dimensions, and the orientation
515 of the home on the lot.

516 (d) A local government may not treat off-site constructed
517 residential dwellings differently than factory-built buildings
518 subject to s. 553.38 based on the method or location of
519 construction.

520 (3) A local government may not adopt or enforce any zoning,
521 land use, or development ordinance or regulation that conflicts
522 with this section or s. 553.38 or that imposes different or more

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523 restrictive treatment on an off-site constructed residential
524 dwelling based on its method of construction or the presence of
525 components built off site. Local government ordinances and
526 regulations may not have the effect of excluding off-site
527 constructed residential dwellings and must be reasonable and
528 uniformly enforced without any distinction as to the type of
529 housing. Any such ordinance or regulation is void and
530 unenforceable as applied to off-site constructed residential
531 dwellings.

532 Section 8. This act shall take effect July 1, 2026.