

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

578-02268-26

2026948c1

A bill to be entitled

An act relating to local government land development regulations and orders; amending ss. 125.022 and 166.033, F.S.; providing applicability; requiring counties and municipalities, respectively, to follow certain application procedures for applications for certain development permits and development orders; creating s. 163.3254, F.S.; creating the "Florida Starter Homes Act" for a specified purpose; providing a short title; providing legislative findings; defining terms; prohibiting local governments from imposing regulations governing residential lots unless such regulations meet specified requirements; providing applicability; providing construction; prohibiting local governments from imposing certain regulations if a residential lot is connected to a public water system and a sewerage system; requiring that regulations imposed by a local government allow residential lots to front or abut a shared space instead of a public right-of-way; prohibiting a local government from imposing regulations that require more than a certain minimum number of parking spaces for specified residential lots; prohibiting a local government from imposing certain regulations on residential lots that contain historic property; providing exceptions; requiring that local government regulations include a certain process; requiring the approval of a lot split under certain circumstances; limiting the criteria that may be required by local

578-02268-26

2026948c1

governments for applications for and approvals of lot splits; establishing an application process for development applications for residential lots; requiring a local government to process such applications in a certain manner within certain timeframes; requiring the approval of such development applications by right under certain circumstances; authorizing an applicant to request, and requiring the local government to grant, certain extensions; prohibiting a local government from imposing, or from requiring an applicant to request, such an extension; providing that certain applications are deemed approved by right under certain circumstances; requiring a local government to issue to an applicant a refund of the application fee under certain circumstances; providing construction; authorizing certain property owners and housing organizations to maintain a cause of action under certain circumstances; defining the term "housing organization"; specifying the procedure for such actions; authorizing the award of specified relief; providing that a prevailing plaintiff is entitled to attorney fees and costs; providing a waiver of sovereign immunity; providing construction; providing retroactive application; providing for liberal construction; providing that certain local government regulations are void and unenforceable to a specified extent; amending s. 163.514, F.S.; authorizing the board of a neighborhood improvement district to plan,

578-02268-26

2026948c1

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

578-02268-26

2026948c1

effective date.

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

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

125.022 Development permits and orders.—

(10) Subsections (2), (3), and (4) do not apply to an application for approval of a development permit or development order for a residential lot as defined in s. 163.3254(3). For such applications, the county shall follow the application procedures established in s. 163.3254(7).

Section 2. Subsection (10) is added to section 166.033, Florida Statutes, to read:

166.033 Development permits and orders.—

(10) Subsections (2), (3), and (4) do not apply to an application for approval of a development permit or development order for a residential lot as defined in s. 163.3254(3). For such applications, the municipality shall follow the application procedures established in s. 163.3254(7).

Section 3. Section 163.3254, Florida Statutes, is created to read:

163.3254 Florida Starter Homes Act.—The Florida Starter Homes Act is created to make home ownership, renting, and leasing more affordable for the residents of this state by increasing the supply of housing for the residents of this state.

(1) This section may be cited as the "Florida Starter Homes Act."

578-02268-26

2026948c1

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

578-02268-26

2026948c1

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

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

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

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

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

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

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

1. A lot split or subdivision.

2. A plat or replat.

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

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

578-02268-26

2026948c1

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

578-02268-26

2026948c1

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

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

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

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

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

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

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

578-02268-26

2026948c1

quadruplexes, and the curtilage thereof.

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

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

a. In furtherance of a compelling governmental interest;
and

b. The least restrictive means of furthering that compelling governmental interest.

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

a. Prevent or abate a nuisance;

b. Enforce the terms of a license, a permit, or an authorization;

c. Enforce any requirement imposed by federal law; or

d. Are the result of a final, nonappealable judicial determination.

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

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

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

578-02268-26

2026948c1

lots created by subdivision.

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

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

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

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

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

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

8. Requires the property owner to occupy the property.

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

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

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

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

578-02268-26

2026948c1

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

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

1. Regulations relating to building design elements which may be applied pursuant to s. 163.3202(5) (a)1.; or

2. Regulations that prohibit, limit, or otherwise restrict the demolition or alteration of a structure or building that is individually listed in the National Register of Historic Places, or that is a contributing structure or building within a historic district which was listed in the National Register of Historic Places before January 1, 2000.

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

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

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

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

2. The requirement that lots created by the lot split

578-02268-26

2026948c1

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

578-02268-26

2026948c1

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

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

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

(e) If a local government fails to:

1. Issue a written notification of completeness or written specification of areas of deficiency within 10 business days after receiving a development application;

2. Issue a written notification of completeness or written specification of areas of deficiency within 5 days after receiving additional information; or

3. Approve an application by right within 20 days after deeming the application complete,

the application is deemed approved by right, and the local

578-02268-26

2026948c1

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

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

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

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

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

578-02268-26

2026948c1

evidence that the regulation is:

a. In furtherance of a compelling governmental interest;
and

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

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

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

2. Issue a writ of mandamus.

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

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

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

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

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

(11) This section applies retroactively to any local

578-02268-26

2026948c1

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

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

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

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

(a) A majority vote of the district's residents; or

(b) An advisory council composed of residents of the district, if such a council has been established by local ordinance pursuant to s. 163.506.

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

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

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

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

578-02268-26

2026948c1

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 dwelling; 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.

578-02268-26

2026948c1

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

578-02268-26

2026948c1

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.