

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Busatta offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Paragraphs (n) and (o) of subsection (7) of section 125.01055, Florida Statutes, are 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;

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14 rentals of equipment, goods, or products; offices; restaurants;
15 public lodging establishments as described in s. 509.242(1)(a);
16 food service vendors; sports arenas; theaters; tourist
17 attractions; and other for-profit business activities. A parcel
18 zoned to permit such uses by right without the requirement to
19 obtain a variance or waiver is considered commercial use for the
20 purposes of this section, irrespective of the local land
21 development regulation's listed category or title. The term does
22 not include home-based businesses or cottage food operations
23 undertaken on residential property;~~7~~ public lodging
24 establishments as described in s. 509.242(1)(c); farms or farm
25 operations as defined in s. 823.14(3) or uses associated
26 therewith, including the packaging and sale of products raised
27 on the premises;~~7~~ or uses that are accessory, ancillary,
28 incidental to the allowable uses, or allowed only on a temporary
29 basis. Recreational uses, such as golf courses, tennis courts,
30 swimming pools, and clubhouses, within an area designated for
31 residential use are not commercial use, irrespective of how they
32 are operated.

33 2. "Industrial use" means activities associated with the
34 manufacture, assembly, processing, or storage of products or the
35 performance of services related thereto. The term includes, but
36 is not limited to, such uses or activities as automobile
37 manufacturing or repair, boat manufacturing or repair, junk
38 yards, ~~meat packing facilities, citrus processing and packing~~

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39 ~~facilities, produce processing and packing facilities,~~
40 electrical generating plants, water treatment plants, sewage
41 treatment plants, and solid waste disposal sites. A parcel zoned
42 to permit such uses by right without the requirement to obtain a
43 variance or waiver is considered industrial use for the purposes
44 of this section, irrespective of the local land development
45 regulation's listed category or title. The term does not include
46 farms or farm operations as defined in s. 823.14(3) or uses
47 associated therewith, including the packaging and sale of
48 products raised on the premises, or uses that are accessory,
49 ancillary, incidental to the allowable uses, or allowed only on
50 a temporary basis. Recreational uses, such as golf courses,
51 tennis courts, swimming pools, and clubhouses, within an area
52 designated for residential use are not industrial use,
53 irrespective of how they are operated.

54 3. "Mixed use" means any use that combines multiple types
55 of approved land uses from at least two of the residential use,
56 commercial use, and industrial use categories. The term does not
57 include farms or farm operations as defined in s. 823.14(3) or
58 uses associated therewith, including the packaging and sale of
59 products raised on the premises, or uses that are accessory,
60 ancillary, incidental to the allowable uses, or allowed only on
61 a temporary basis. Recreational uses, such as golf courses,
62 tennis courts, swimming pools, and clubhouses, within an area

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63 designated for residential use are not mixed use, irrespective
64 of how they are operated.

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

67 (o) This subsection does not apply to:

68 1. Airport-impacted areas as provided in s. 333.03.

69 2. Property defined as recreational and commercial working
70 waterfront in s. 342.201(2)(b) in any area zoned as industrial.

71 3. The Wekiva Study Area, as described in s. 369.316.

72 4. The Everglades Protection Area, as defined in s.
73 373.4592(2).

74 5. Areas subject to land development regulations, as
75 defined in s. 163.3164, which are in existence before July 1,
76 2026, and are intended to retain the open character of land,
77 including, but not limited to, open space districts, open space
78 recreation districts, open use estate districts, open use rural
79 districts, and park and open space districts.

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

82 7. Any portion of a property encumbered by a recorded
83 conservation easement as defined in s. 704.06(1).

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

86 166.04151 Affordable housing.—

87 (7)

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

89 1. "Commercial use" means activities associated with the
90 sale, rental, or distribution of products or the performance of
91 services related thereto. The term includes, but is not limited
92 to, such uses or activities as retail sales; wholesale sales;
93 rentals of equipment, goods, or products; offices; restaurants;
94 public lodging establishments as described in s. 509.242(1)(a);
95 food service vendors; sports arenas; theaters; tourist
96 attractions; and other for-profit business activities. A parcel
97 zoned to permit such uses by right without the requirement to
98 obtain a variance or waiver is considered commercial use for the
99 purposes of this section, irrespective of the local land
100 development regulation's listed category or title. The term does
101 not include home-based businesses or cottage food operations
102 undertaken on residential property;7 public lodging
103 establishments as described in s. 509.242(1)(c); farms or farm
104 operations as defined in s. 823.14(3) or uses associated
105 therewith, including the packaging and sale of products raised
106 on the premises;7 or uses that are accessory, ancillary,
107 incidental to the allowable uses, or allowed only on a temporary
108 basis. Recreational uses, such as golf courses, tennis courts,
109 swimming pools, and clubhouses, within an area designated for
110 residential use are not commercial use, irrespective of how they
111 are operated.

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112 2. "Industrial use" means activities associated with the
113 manufacture, assembly, processing, or storage of products or the
114 performance of services related thereto. The term includes, but
115 is not limited to, such uses or activities as automobile
116 manufacturing or repair, boat manufacturing or repair, junk
117 yards, ~~meat packing facilities, citrus processing and packing~~
118 ~~facilities, produce processing and packing facilities,~~
119 electrical generating plants, water treatment plants, sewage
120 treatment plants, and solid waste disposal sites. A parcel zoned
121 to permit such uses by right without the requirement to obtain a
122 variance or waiver is considered industrial use for the purposes
123 of this section, irrespective of the local land development
124 regulation's listed category or title. The term does not include
125 farms or farm operations as defined in s. 823.14(3) or uses
126 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 industrial use,
132 irrespective of how they are operated.

133 3. "Mixed use" means any use that combines multiple types
134 of approved land uses from at least two of the residential use,
135 commercial use, and industrial use categories. The term does not
136 include farms or farm operations as defined in s. 823.14(3) or

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137 uses associated therewith, including the packaging and sale of
138 products raised on the premises, or uses that are accessory,
139 ancillary, incidental to the allowable uses, or allowed only on
140 a temporary basis. Recreational uses, such as golf courses,
141 tennis courts, swimming pools, and clubhouses, within an area
142 designated for residential use are not mixed use, irrespective
143 of how they are operated.

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

146 (o) This subsection does not apply to:

147 1. Airport-impacted areas as provided in s. 333.03.

148 2. Property defined as recreational and commercial working
149 waterfront in s. 342.201(2) (b) in any area zoned as industrial.

150 3. The Wekiva Study Area, as described in s. 369.316.

151 4. The Everglades Protection Area, as defined in s.
152 373.4592(2).

153 5. Areas subject to land development regulations, as
154 defined in s. 163.3164, which are in existence before July 1,
155 2026, and are intended to retain the open character of land,
156 including, but not limited to, open space districts, open space
157 recreation districts, open use estate districts, open use rural
158 districts, and park and open space districts.

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

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161 7. Any portion of a property encumbered by a recorded
162 conservation easement as defined in s. 704.06(1).

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

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166 **T I T L E A M E N D M E N T**

167 Remove everything before the enacting clause and insert:

168 A bill to be entitled

169 An act relating to affordable housing; amending ss.
170 125.01055 and 166.04151, F.S.; revising the
171 definitions of certain land use categories for which
172 certain residential development may be authorized to
173 exclude farms and farm operations and uses associated
174 therewith; revising the definition of the term
175 "industrial use" to exclude certain facilities;
176 providing exceptions; providing an effective date.

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