

Affordable Housing – Summary of CS/CS/SB 1730 (2025)

CS/CS/SB 1730 (Calatayud) revises the land use policy provisions within the Live Local Act, subsections 125.01055(7) and 166.04151(7), Florida Statutes. It also amends the optional municipal and county affordable housing provisions of sections 125.01055(6) and 166.01055(6), Florida Statutes.

The bill authorizes, but does not require, a municipality or county to authorize an affordable housing development on any parcel, including any contiguous parcel, owned by a religious institution and containing a house of worship, regardless of the underlying zoning. At least 10 percent of the units of such development must be affordable.

The bill includes “any flexibly-zoned area” permitted for commercial, industrial, or mixed-use (such as a planned unit development) in the list of zoning categories in which a Live Local Act project may be located. Specifically, it authorizes a Live Local Act project in portions of such areas that are permitted for commercial, industrial, or mixed-use. The bill specifies that a local government may not require a Live Local Act project to obtain a density transfer or amendment to a development of regional impact. In addition, it prohibits a local government from requiring more than 10% of the total square footage of mixed-use residential projects to be used for non-residential purposes.

The bill specifies that a local government may not restrict the height of a proposed Live Local Act project below the highest currently allowed or allowed on July 1, 2023, for a building located within one mile of the project. The bill also adds the date of July 1, 2023, to the density and floor area ratio provisions in current law. It specifies the term “floor area ratio” includes floor lot ratio and lot coverage.

The bill also addresses proposed developments on parcels with a contributing structure or building within a historic district listed in the National Register of Historic Places before January 2000, or on parcels with a structure or building individually listed in the National Register. For such developments, the bill authorizes a county or municipality to restrict the height of a proposed development to the highest currently allowed, or allowed on July 1, 2023, height for a commercial or residential building located in its jurisdiction within $\frac{3}{4}$ mile of the proposed development, or 3 stories, whichever is higher. The term “highest currently allowed” in this paragraph includes the maximum height allowed for any building in a zoning district irrespective of any conditions. A county or municipality must administratively approve the demolition of an existing structure associated with such a development if the proposed demolition otherwise complies with all state and local regulations. If the proposed development is on a parcel with a contributing structure or building or is on a parcel with a structure or building individually listed as described above, the county or municipality may administratively require the proposed development comply with local regulations relating to architectural design, provided it does not affect height, floor area ratio, or density of the proposed development.

The bill specifies that Live Local Act projects are subject to administrative approval by a local government, without further action required by the governing body or any quasi-judicial or

administrative board or reviewing body, if the development satisfies the local government's land development regulations for multifamily uses and is consistent with the comprehensive plan.

If requested by an applicant, a local government must reduce parking requirements by at least 15% if the project is within $\frac{1}{4}$ mile of a transit stop, within $\frac{1}{2}$ mile of a major transit hub, and parking is available within 600 feet of the project. The bill authorizes a local government to permit an adjacent parcel of land to be included within a proposed multi-family development authorized under the Live Local Act. It excludes the Wekiva Study Area and the Everglades Protection Area from the Live Local Act.

The bill directs courts to give priority to civil actions filed against a local government for violation of subsections 125.01055(7) or 166.04151(7) and specifies that fees and costs must be awarded to a prevailing party in such action, not to exceed \$250,000. It defines the terms "commercial use," "industrial use," and "mixed-use." It excludes home-based businesses, cottage food operations, and vacation rentals from the definition of "commercial." It also excludes from the definitions of "commercial," "industrial," and "mixed-use" uses that are accessory, temporary, ancillary, or incidental to the allowable uses. Also excluded from these definitions are recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use.

The bill prohibits a municipality or county from imposing a building moratorium that has the effect of delaying the permitting or construction of a Live Local Act project, except as specified. It authorizes a local government to impose such a moratorium by ordinance for no more than 90 days in any three-year period. Before adopting such a moratorium, the local government must prepare an assessment of the governmental entity's need for affordable housing. The assessment must be posted on the local government's website and included in the local government's business impact estimate for the moratorium ordinance. It requires a court to award attorney fees and costs to a prevailing party, not to exceed \$250,000, in an action brought for a violation of the moratorium requirements. The bill exempts moratoria imposed to address flooding, stormwater management, necessary repair of sanitary sewer, or unavailability of potable water if such moratoria apply equally to all types of multifamily or mixed-use residential development.

Beginning November 1, 2026, the bill requires municipalities and counties to provide an annual report to the Department of Economic Opportunity that includes the following for the previous fiscal year: a summary of any litigation involving the Live Local Act; a list of Live Local projects approved or proposed (including size, density, intensity, number of units, number of affordable units and associated household income). The Department must submit the aggregated reported information to the Governor and Legislature annually.

The bill authorizes an applicant for a proposed development with an application submitted prior to July 1, 2025, to notify the county or municipality of its intent to proceed under the Live Local Act as it existed at the time of application or its intent to submit a revised application to proceed under the Live Local Act as revised by the bill.

It creates section 420.5098, Florida Statutes, to establish legislative intent to support the development of affordable workforce housing for employees of hospitals, health care facilities,

and governmental entities, using federal low-income housing tax credits, local or state funds, or other sources of funding to create a preference for housing for such employees.

Effective date: July 1, 2025.

Approved by Governor: Ch. 2025-172, Laws of Florida.