

LOCAL VOICES MAKING LOCAL CHOICES

DEVELOPMENT, CODE COMPLIANCE, AND REDEVELOPMENT COMMITTEE

MEETING DETAILS

DATE	Friday, November 13, 2026
TIME	10:00 a.m. – 2:00 p.m. ET
ROOM	Florida Ballroom 5-7
VENUE	Hilton Orlando
ADDRESS	6001 Destination Parkway, Orlando, FL 32819

FLC STAFF CONTACT

David Cruz



Agenda

Development, Code Compliance, and Redevelopment Legislative Policy Committee
Friday, November 13, 2026, from 10:00 a.m. to 2:00 p.m.
Hilton Orlando – Meeting Room: Florida Ballroom 5-7
6001 Destination Parkway, Orlando, Florida

AGENDA

I. Introduction and Opening Remarks..... **Chair Melissa Castro**
Commissioner, City of Coral Gables

II. Potential 2027 Priority and Policy Issues

a. New Business

i. Short-Term Rentals/Vacation Rentals ..... **David Cruz, FLC Staff**

ii. Code Enforcement ..... **David Cruz, FLC Staff**

1. HB 105 (2026) – Local Government Enforcement Actions

iii. Development Review and Permitting ..... **David Cruz, FLC Staff**

1. Development Approval Timelines and Permitting Procedures

a. HB 927 (2026) – Qualified Contractors

b. HB 803 (2026) – Building Permits and Inspections

iv. Development Regulations in Barrier Island and Coastal Communities ..... **Gary Coffin**
Commissioner, Town of Longboat Key

b. Old Business

i. Community Planning and Land Use Regulation ..... **David Cruz, FLC Staff**

1. Revision of the Community Planning Act
2. Local Government Accountability Metrics (adequacy of planning for population and housing types)
3. Land Use Appeals
    a. Appeals from Quasi-Judicial Action
    b. Appeals from Comprehensive Plan Amendment Denials
4. Rural/Urban Growth Boundaries

ii. Increasing Housing Diversity and Supply ..... **David Cruz, FLC Staff**

1. HB 1143/SB 948 (2026) – Starter Homes
2. HB 1183/SB 1342 (2026) – Transit-Oriented Development
3. Accessory Dwelling Units
4. New Requirements for Subdivision Approval

iii. Development Related Infrastructure ..... **David Cuz, FLC Staff**

1. Impact Fees

iv. Live Local Act – Implementation and Potential 2027 Revisions ..... **David Cruz, FLC Staff**

1. HB 1389 (2026) – Affordable Housing

v. Community Redevelopment Agencies (CRAs) ..... **David Cruz, FLC Staff**

vi. Agricultural Enclaves .....**Carmen Rosamonda, City Manager, City of DeBary**

1. SB 686 (2026) – Development Process for Agricultural Enclaves

III. Ranking of Proposed Policies..... **David Cruz, FLC Staff**

IV. Additional Information.....**Chair Melissa Castro**
Commissioner, City of Coral Gables

a. FLC Legislative Conference Registration
b. Key Legislative Dates
c. Key Contacts – Click HERE to sign up
d. 2026 Legislative Session Final Report
e. State Municipal Reporting Requirements

V. Closing Remarks .....**Chair Melissa Castro**
Commissioner, City of Coral Gables

VI. Adjournment

Breakfast and Lunch provided by the Florida League of Cities

Wi-Fi is Available
Network: FLCPC1126
Access Code: FLCPC1126



Committee Roster

FLORIDA LEAGUE OF CITIES

2026-2027 Development, Code Compliance, and Redevelopment Committee



CHAIR
Melissa Castro
Commissioner
City of Coral Gables



VICE CHAIR
Dan Janson
Vice Mayor
City of Jacksonville Beach



STAFF SUPPORT
David Cruz
FLC Legislative Counsel



Shelisa Abraham
Councilmember
Town of Century



Antonio Arserio
Mayor
City of Margate



Sarah Baker
Commissioner
City of Winter Springs



Vincent Barile
Mayor
Town of Sewall's Point



Liston Bochette
Councilman
City of Fort Myers



Michael Bornstein
Village Manager
Village of Palm Springs



Woody Brown
Mayor
City of Largo



Vanessa Brown Robinson
Councilmember
City of Live Oak

Cynthia Burton
Commissioner
City of Crescent City

Jolien Caraballo
Vice Mayor
City of Port St Lucie

John Carroll
Councilmember
City of Vero Beach



Charles Chambliss
Mayor
Town of Palm Shores



Jeremy Clark
Vice Mayor
City of Davenport



Gary Coffin
Commissioner
Town of Longboat Key



Joy Cooper
Mayor
City of Hallandale Beach

Dana Crosby-Collier
Attorney
City of Tampa



Chad Davis
Commissioner
City of Winter Haven



Dennis Dawson
Councilmember
City of Mount Dora



Jack Dearmin
Commissioner
City of Lake Alfred

Laura DeBruce
Councilmember
City of Sanibel



Carmen Demanche
Councilmember
Town of Lake Hamilton

Lisa El-Ramey
Mayor
Town of Loxahatchee Groves



Alex Fernández
Comissioner
City of Miami Beach



Debbie Flynn
Assistant Community Development Director
City of Satellite Beach



Antranette Forbes
Director, Economic Development
City of Apopka



Ed Freeman
Mayor
City of Lady Lake



Joshua Fuller
Councilmember
Town of Bay Harbor Islands



Austin Gravley
Councilmember
City of Frostproof



Jhelecia Hawkins
Mayor
City of Jasper



Darfeness Hinds
Council President
City of Williston



Donald Horton
Mayor
Islamorada, Village of Islands



Tim Horvath
Councilor
City of Neptune Beach



Lynsey Jones
Deputy Building Official
City of Melbourne



N'Kosi L. Jones
Vice Mayor
City of Bowling Green



Linda Julien
Councilwoman
City of Miami Gardens



Barbara Langdon
Vice Mayor
City of North Port



Shirley Lanier
Councilperson
City of Riviera Beach



Karen Lythgoe
Mayor
Town of Lantana



Christy Maasbach
Mayor
Town of Lake Clarke Shores



Shayla Macias
Councilwoman
City of Fellsmere



Nancy Maddox
Community Engagement Director
City of Daytona Beach Shores



Jason Mahaney
Town Administrator
Town of Grant-Valkaria



Dan Matthys
Deputy City Manager
City of Clermont



Larry McKee
Councilmember
City of Milton



Matthew McMillan
Commissioner
City of Longwood



Joseph McMullen
Commissioner
Town of Oakland



Genece Minshew
Commissioner
City of Fernandina Beach



Karen Ostrand
Mayor
Town of Ocean Breeze



Lucia Panica
Director of Development Services Department
City of Sarasota



Karen Rafferty
Commissioner
City of Belleair Bluffs



Richard Reade
Town Manager
Town of Lake Park



Patti Reed
Councilmember
City of Pinellas Park



Louis Reinstein
Councilmember
City of Plantation



Betty Resch
Mayor
City of Lake Worth Beach



Dylan Rumrell
Commissioner
City of St. Augustine Beach



Steven Sandbergen
Commissioner
City of Dunedin



R.J. Santore
Commissioner
City of Flagler Beach



Mary Savage-Dunham
Director of Planning & Zoning
City of Port St Lucie



Suzanne Sherman
Assistant City Manager
City of Satellite Beach



Shari Simmans Grant
Director, Economic Development, Communications & Government Affairs



Jordan Smith
Commissioner
City of Lake Mary



Johnnie Tieche
Mayor Pro Tem
Village of Palm Springs



Debbie Trice
Mayor
City of Sarasota



Gary Werner
Councilman
City of Westlake



Morris West
Commissioner
City of Haines City



Nicole Williams
Vice Mayor
Town of White Springs



Rosemary Wilsen
Commissioner
City of Ocoee



Janet Wilson
Vice Mayor
City of Indian Rocks Beach



Normita Woodard
Mayor Pro Tem
City of Dade City



Latricia Wright
City Clerk
City of Williston



Molly Young
Mayor
Village of Tequesta



Short-Term Rentals/Vacation Rentals

Short-Term Rentals / Vacation Rentals

Background
Vacation rentals are regulated by both state and local law in Florida. The state, through the Department of Business and Professional Regulation (DBPR), licenses vacation rentals as public lodging establishments, while local governments retain limited authority to address local impacts through generally applicable regulations and local vacation-rental registration programs.

Before 2011, cities generally relied on their home rule authority to regulate vacation rentals, including their location and the frequency and duration of rentals. In 2011, the Legislature enacted **HB 883**, substantially preempting local authority over vacation rentals. The legislation prohibited local governments from banning vacation rentals or regulating their duration or frequency. Local regulations adopted on or before June 1, 2011, were grandfathered and may continue to regulate these matters.

In 2014, the Legislature modified the preemption through **SB 356**. Current law continues to prohibit local governments from banning vacation rentals or regulating their duration or frequency, but otherwise permits local regulation that does not conflict with state law.

This framework has resulted in different regulatory environments among Florida cities. Communities with pre-2011 ordinances may retain broader regulatory authority, while other cities operate under the more restrictive post-2011 framework.

2024 Session – SB 280 and Governor's Veto
The Legislature made its most significant recent attempt to rewrite Florida's vacation-rental laws through **CS/SB 280** (2024). The bill passed both chambers and would have substantially standardized state and local regulation of vacation rentals.

Among other provisions, **SB 280** would have established detailed statewide parameters for local vacation-rental registration programs, including permissible registration requirements, fees, inspections, and procedures for suspension or revocation. It also would have expanded DBPR's regulatory responsibilities and established a statewide vacation-rental information system through which local governments and advertising platforms could verify state licenses and local registrations.

Importantly for cities, the bill also provided that local laws or regulations directed specifically at vacation rentals generally could not be enforced unless they complied with the new statutory framework. Local regulations could otherwise apply only if they were applied uniformly to residential properties without regard to whether a property was being used as a vacation rental.

Although **SB 280** passed the Legislature, Governor Ron DeSantis vetoed the bill on June 27, 2024. In his veto message, the Governor concluded that the bill would prevent local governments from enforcing existing ordinances or adopting new measures applying specifically to vacation rentals unless those requirements applied to all residential properties. He stated that the effect would be to prevent “virtually all local regulation of vacation rentals,” despite significant differences among vacation-rental markets throughout Florida. The Governor encouraged the Legislature and stakeholders to continue working on the issue rather than treating vacation rentals as a “one-size-fits-all” issue.

The veto left the existing statutory framework largely intact.

Recent Legislative Activity
Following the **SB 280** veto, the Legislature did not enact another comprehensive vacation-rental preemption bill during the 2025 or 2026 Sessions.

Vacation-rental legislation considered during the 2026 Session was more narrowly focused on safety. **SB 608** and **CS/CS/SB 658** proposed additional water-safety requirements for vacation rentals with swimming pools or nearby bodies of water. SB 608 was combined into SB 658, which ultimately died in House messages.

Accordingly, the fundamental state-local regulatory framework governing vacation rentals remains largely the same following the Governor's 2024 veto.

SB 180 and Local Vacation-Rental Ordinances
A separate issue has emerged from **CS/CS/SB 180** (2025), the state's hurricane-recovery legislation. SB 180 restricts local governments within specified hurricane-affected areas from adopting certain land-development regulations that are more restrictive or burdensome than those in effect before the applicable hurricane. The legislation became Chapter 2025-190, Laws of Florida.

These restrictions have created uncertainty for local governments that adopted or amended vacation-rental regulations during the affected period. For example, questions have arisen concerning whether post-hurricane amendments to local vacation-rental ordinances may constitute prohibited “more restrictive or burdensome” land-development regulations under SB 180.

This issue is particularly relevant because vacation-rental regulation often involves local land-use and neighborhood-impact concerns, including occupancy, parking, noise, trash, registration, inspections, and enforcement. The interaction between SB 180 and otherwise permissible local vacation-rental regulations may therefore create an additional limitation on municipal authority beyond the existing preemption in Chapter 509.

Potential 2027 Legislative Issues
Vacation rentals have been a recurring legislative issue for more than a decade. In 2024, Governor Ron DeSantis vetoed SB 280, expressing concern that it would prevent virtually all local regulation of vacation rentals and emphasizing that vacation-rental markets vary across Florida and should not be treated as a “one-size-fits-all” issue. No comparable comprehensive preemption legislation was enacted in 2025 or 2026.

The landscape may change in 2027, when Florida will have a new governor. Byron Donalds previously supported legislation restricting local regulation of vacation rentals while serving in the Florida House. David Jolly has emphasized home rule and local control during his gubernatorial campaign, although he has not announced a specific position on vacation-rental regulation. Accordingly, comprehensive vacation-rental legislation could reemerge in 2027.

Cities should also monitor approaches being considered in other states. For example, **Arkansas HB 1445 (2025)** proposed prohibiting local governments from adopting regulations that prohibit, "effectively prohibit," or limit the use of property as a short-term rental. The bill would also limit local registration fees and requirements, restrict STR-specific regulations, limit local suspension authority, and require short-term rentals to be treated as residential uses for zoning purposes. A similar proposal in Florida could significantly expand the existing preemption in Chapter 509 and further restrict cities' ability to regulate the local impacts of vacation rentals.

Cities should monitor proposals that further preempt local ordinances or restrict local registration, inspection, fee, and enforcement authority. The Committee should also monitor the interaction between SB 180 and local vacation-rental ordinances and whether clarification is needed to protect otherwise lawful local regulations.

Local Planning Agency
GROWTH MANAGEMENT MEMORANDUM

To: Jason Davis, City Manager

From: Tim Gibson, Growth Management Director

Date: January 13, 2026

Subject: 2201 Ordinance Providing for a Temporary Moratorium on Short-Term Rentals

1. BACKGROUND:

1.1. On April 22, 2025, City Council adopted Ordinance 2181 which established Section COO 8.13 - Short Term Vacation Rental regulations.

1.2. On May 2, 2025, SB 180 was adopted by the Florida Legislature

1.3. On June 26, 2025, Governor Desantis signed SB 180 into law.

1.4. SB 180 applies retroactively from August 1, 2024, through October 1, 2027, therefore has the potential to impact Ordinance 2181.

1.5. Staff and City Attorney have discussed the impact of SB 180 on the Short Term Rental Registration process.

1.6. State Legislature is considering repealing portions of SB 180 in 2026 after pending litigation over the constitutionality and seeking to restore home-rule authority.

2. DISCUSSION:

2.1. Staff are recommending that the Local Planning Agency (LPA) recommend that the City Council consider a six-month temporary moratorium on the enforcement of the requirements for short-term rentals set forth in Section 8.13 of the City Code of Ordinances (Ordinance 2181).

2.2. The Temporary moratorium would expire on July 27, 2026, unless extended by the City Council.

3. FINANCIAL INFORMATION:

3.1. There is no direct financial impact as a result of this ordinance.

4. RECOMMENDATION:

4.1. Staff respectfully recommends the Local Planning Agency (LPA) recommend that City Council adopt Ordinance 2201 to enact a Temporary moratorium on the enforcement of the requirements for short-term rentals set forth in Section 8.13 of the City Code of Ordinances (Ordinance 2181) expiring on July 27, 2026.

ATTACHMENTS:

- Ord 2181 (PDF)

HISTORY:

01/08/26	Local Planning Agency	ADOPTED

The City Attorney read the title of the proposed ordinance.

Amie Nelson-Wolf, Planning Supervisor, introduced the proposed item, explaining that the City had adopted Ordinance 2181 in April 2025 to establish regulations for short-term vacation rentals. However, following adoption, the Florida legislature passed Senate Bill 180, which was signed into law on June 26, 2025, and applies retroactively to August 1, 2024. Due to the retroactive application, ongoing litigation challenges, and potential legislative amendments in 2026, staff is recommending a temporary moratorium on enforcement of Ordinance 2181. The City Attorney clarified that the moratorium expiration date should be July 7, 2026, not June 30, 2026, as stated in the ordinance title as it was a typo. The City Attorney added that if the Legislature repeals or modifies SB 180 before the moratorium expiration date, the City could end the moratorium earlier. Chair Rennie expressed concern about Garniers Beach residents who had advocated for short-term rental regulations. The City Attorney explained that the City could not enforce the ordinance due to SB 180's retroactive application, but residents could still use existing avenues for enforcement such as Code Enforcement and the Police Department.

Vice Chair Coates made a motion to recommend adoption of Ordinance 2201 to enact a temporary moratorium on the enforcement of the requirements for short-term rentals as set forth by Section 8.13. of the Code of Ordinances to expire on July 7, 2026 to City Council. Board Member Nguyen seconded and the motion passed unanimously.

SIGNATURE BLOCK:

Amie Nelson-Wolf	Completed	12/17/2025 2:05 PM
Tim Gibson	Completed	12/17/2025 3:18 PM
Finance	Completed	12/18/2025 8:20 AM
City Attorney	Completed	12/27/2025 11:17 AM
City Clerk	Completed	12/29/2025 11:35 AM
City Manager	Completed	12/30/2025 6:10 AM
Local Planning Agency	Completed	01/08/2026 5:30 PM
City Council	Pending	01/13/2026 6:00 PM
City Council	Pending	01/27/2026 6:00 PM

ORDINANCE 2201

AN ORDINANCE OF THE CITY OF FORT WALTON BEACH, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM ON THE ENFORCEMENT OF THE REQUIREMENTS FOR SHORT-TERM RENTALS SET FORTH IN SECTION 8.13 OF THE CITY CODE OF ORDINANCES (CREATED BY ORDINANCE NO. 2181); PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A SIX MONTH TEMPORARY MORATORIUM; RECOGNIZING PENDING LITIGATION OVER THE CONSTITUTIONALITY OF SB 180; RECOGNIZING THAT THE FLORIDA LEGISLATURE MAY CONSIDER A BILL MODIFYING SB 180 IN 2026; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXPIRATION OF MORATORIUM ON JULY 27, 2026; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Senate Bill 180 (SB 180), which was signed into effect on July 1, 2025, has potentially impacted the City's ability to establish land development regulations that may be deemed as more restrictive or burdensome; and

WHEREAS, the City of Fort Walton Beach passed Ordinance 2181 on April 22, 2025, in an attempt to regulate short term rentals and mitigate the impact of short-term rentals on residents of the City; and

WHEREAS, SB 180 applies retroactively from August 1, 2024 through October 1, 2027 and therefore has the potential to impact a City ordinance passed on April 22, 2025; and

WHEREAS, a legal battle has ensured among local governments, with many cities and counties challenging the law's constitutionality and seeking to restore their home-rule authority; and

WHEREAS, the State Legislature may consider repealing damaging provisions of SB 180 that undermine local planning and threaten the health, safety, and quality of life of residents; and

WHEREAS, the City Council of the City of Fort Walton Beach desires to temporarily place a moratorium on the enforcement of Section 8.13, City Code of Ordinances (created by Ordinance 2181, which imposes requirements on short-term rentals, given the pending litigation and noted potential for the State Legislature to repeal portions of the SB 180 in 2026; and

WHEREAS, it is important to the City Council of the City of Fort Walton Beach to balance the rights of private property owners with the public health, safety and welfare of residents and the general public; and

WHEREAS, permanent single-family and multi-family residents inherently understand and know their physical surroundings, to include any safety gaps and potential risks to their families because they have daily familiarity; and

WHEREAS, short-term rental occupants, due to the transient nature of their occupancy, are unfamiliar with local hurricane evacuation plans, the location of fire extinguishers, residence

exit routes, pool and home safety features, and other similar safety measures that would readily be provided to guests in traditional lodging establishments; and

WHEREAS, local governments apply design standards tailored for residential neighborhoods for their roads, driveways, parking areas, emergency services planning, public shelters, emergency evacuation plans, solid waste collection, utilities, buffers and are also tailored in assessing their infrastructure impacts; and

WHEREAS, short-term vacation rentals located within established neighborhoods can disturb the quiet enjoyment of the neighborhood, lower property values, and burden the design layout of the neighborhood; and

WHEREAS, the presence of short-term vacation rentals in established residential neighborhoods can create negative compatibility impacts, among which include, but are not limited to, excessive noise, on-street parking accumulation of trash, and diminished public safety; and

WHEREAS, short-term vacation rental owners may live elsewhere and not experience the quality of life problems and negative impacts associated with larger, unregulated short-term vacation rentals in residential neighborhoods; and

WHEREAS, traditional lodging establishments (hotels, motels and bed and breakfasts) are restricted to non-residentially zoned areas where more intense uses are separated from less busy and quieter residential uses; and

WHEREAS, the City Council of the City of Fort Walton Beach supports legislation that allows local governments to further regulate such properties to protect the integrity of their residential neighborhoods and to protect the health and welfare of their residents, visitors and businesses; and

WHEREAS, permanent residents within established residential neighborhoods deserve the right to tranquility and peaceful enjoyment of their home without over-intrusion by an excessive number of transient occupants in the neighborhood; and

WHEREAS, permanent residents within residential neighborhoods often establish long-term friendships, social norms and a sense of community which often leads to mutual respect among property owners on an ongoing basis; and

WHEREAS, a home is typically the largest investment a family will make in their lifetime, with the home held sacred in popular culture as the heart and the center of the family unit; and

WHEREAS, the City of Fort Walton Beach promotes tourism, including appreciation and enjoyment of the City's abundant preserved natural areas, pristine parks, and walking and bicycling paths that make the City of Fort Walton Beach unique among Florida's municipalities; and

WHEREAS, many local jurisdictions in the State of Florida, and across the nation, have standards in place to minimize the negative impacts caused by short-term vacation rentals; and

WHEREAS, the City desires to encourage short-term vacation rentals that are safe, fit in with the character of the neighborhood, provide positive impacts for tourism, increase property values, and achieve greater neighborhood compatibility; and

WHEREAS, the City seeks to balance respect for private property rights and incompatibility concerns between the investors/short-term vacation rentals and families/permanent single and multi-family residences in established residential neighborhoods through the use of reasonable development standards; and

WHEREAS, it is intended that during the six (6) month moratorium on short-term rental registrations, the City will review the current regulations in the context of SB 180, pending litigation related to SB 180, and the potential for a "glitch bill" modifying the current terms of SB 180; and

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WALTON BEACH AS FOLLOWS:

SECTION 1. FINDINGS. The above stated findings are hereby adopted.

SECTION 2. PURPOSE. Pursuant to the above-referenced findings, the City of Fort Walton Beach has made reasonable efforts to minimize the impacts of short-term rentals on the local community via the requirements section 8.13, City Code of Ordinances (established by Ordinance 2181, which was enacted on April 22, 2025).

SECTION 3. TEMPORARY MORATORIUM.

There is hereby enacted, within the municipal limits of the City of Fort Walton Beach, a Temporary Moratorium on the requirements and regulations for short-term rentals set forth in section 8.13, City Code of Ordinances (as created by Ordinance No. 2181, enacted on April 22, 2025). Enforcement of these requirements shall be held in abeyance until July 27, 2026, unless this Temporary Moratorium Ordinance is otherwise extended by majority vote of the City Council of the City of Fort Walton Beach.

The City of Fort Walton Beach shall not require adherence to, nor enforce, section 8.13, City Code of Ordinances (as created by Ordinance No. 2181, enacted April 22, 2025) prior to July 27, 2026.

SECTION 4. EXPIRATION OF MORATORIUM. Unless extended by amendment of this Ordinance, this Temporary Moratorium shall expire on July 27, 2026.

SECTION 5. SEVERABILITY. If any section, phrase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 6. EFFECTIVE DATE. This ordinance shall become effective upon its adoption by the City Council and signature by the mayor.

Adopted: _____

_____
Nic Allegretto, Mayor

Attest:

Approved as to legal form and sufficiency for the City of Fort Walton Beach, only.

_____

Kim M. Barnes, City Clerk

_____

Jeffrey L. Burns, City Attorney

ORDINANCE 2181

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT WALTON BEACH, FLORIDA; PROVIDING FOR AUTHORITY; CREATING SECTION 8.13 OF THE CODE OF ORDINANCES, ENTITLED SHORT-TERM VACATION RENTAL REQUIREMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WALTON BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY AND INTENT

The authority for enactment of this ordinance is pursuant to the powers vested in the City by Home Rule Authority of Section 166.021(1) of the Florida Statutes, the provisions of Chapter 162 of the Florida Statutes, and the City Charter.

SECTION 2. FINDINGS OF FACT.

WHEREAS, in Section 509.032, Florida Statutes, the State Legislature has granted authority to local government to regulate the short-term vacation rental units; and

WHEREAS, this Ordinance does not prohibit, nor intend to prohibit, short-term vacation rentals, nor does it regulate the frequency or duration of such rentals; and

WHEREAS, short-term vacation rentals are presently located within the residential zoning districts of the City of Fort Walton Beach; and

WHEREAS, the City Council has received numerous public comments over the last 5 years, at duly noticed City Council meetings, regarding the negative impact that under-regulated disruptive short-term vacation rentals have on the peace and tranquility of the City's single-family residential neighborhoods;

WHEREAS, overly intensive short-term vacation rentals situated within single-family residential neighborhoods can disturb the quiet nature and atmosphere of the residential neighborhoods, and the quiet enjoyment of its residents; and

WHEREAS, permanent residents within established residential neighborhoods deserve the right to tranquility and peaceful enjoyment of their home without over intrusion by an excessive number of transient occupants in the neighborhood; and

WHEREAS, a residential dwelling is typically the single largest investment a family will make with the residents of the residential dwelling desiring the tranquility and peaceful enjoyment of their neighborhood without excessive noise, excessive trash, increased parking issues and traffic congestion caused by transient occupants of short-tern rentals; and

Attachment: Ord 2181 (2201 : 2201 Ordinance Providing for a Temporary Moratorium on Short-Term Rentals)

WHEREAS, according to most recent U.S. Census data, the City of Fort Walton Beach has an average household size of 2.35 persons; and

WHEREAS, the operation of some short-term vacation rentals in established neighborhoods in the City creates a huge disparity in short-term vacation rental impacts, with certain properties being marketed to host up to eighteen (18) times the average occupancy of an existing single-family residence, making the higher occupancy of the rental homes incompatible with established single-family residential neighborhoods; and

WHEREAS, permanent residents residing within their residential dwellings are inherently familiar with the local surroundings, local weather disturbances, local hurricane evacuation plans, and means of egress from their residential dwellings, thereby minimizing potential risks to themselves and their families; and

WHEREAS, in contrast to residents, transient occupants of short-term vacation rentals, due to their transient nature, are typically not familiar with local surroundings, local weather disturbances, local hurricane evacuation plans, and means of egress from the short-term vacation rentals in which they are staying, thereby increasing potential risks to themselves and their families, and putting an additional burden on, and potentially putting at risk, emergency personnel in the event of an emergency situation; and

WHEREAS, utility usage by short-term vacation rentals may exceed the usage levels anticipated at the time of initial permitting as a single-family residence, creating a disparity between the connection fees or mitigation fees paid and the system impacts caused by their increased demand; and

WHEREAS, the City desires to encourage short-term vacation rentals that are safe, appropriate with the character of single-family residential neighborhoods, provide positive impacts for tourism, increase property values, and achieve greater neighborhood compatibility; and

WHEREAS, the City seeks to balance respect for private property rights and incompatibility concerns between the investors/short-term vacation rentals and families/permanent single-family residences in established residential neighborhoods through the use of reasonable development standards; and

WHEREAS, these regulations are deemed necessary by the City Council to preserve property values and to protect the health, safety, and general welfare of permanent residents, lot/parcel owners, investors and transient occupants and visitors alike; and

WHEREAS, the application of minimum life/safety requirements to short-term vacation rentals, along with other minimum standards and requirements concerning issues such as the designation of responsible parties ensures that transient occupants are provided with a similar level of protection to that of hotels, motels, and other similar lodging establishments; and

WHEREAS, because of the high occupancy and transient nature of occupants within many short-term vacation rentals, fire safety also becomes important; and

Attachment: Ord 2181 (2201 : 2201 Ordinance Providing for a Temporary Moratorium on Short-Term Rentals)

WHEREAS, site-specific short-term vacation rental standards, like minimum parking standards, solid waste handling and containment, and compliance with ordinances regulating noise, serve to maintain the decorum that exists among owners in established neighborhoods, and are better effectuated by having these same standards conveyed to transient occupants through the duration of their rental; and

WHEREAS, short-term vacation rentals operate as commercial enterprises, subject to additional regulatory requirements beyond those normally required of residential structures, including business licensing by the State of Florida Department of Business and Professional Regulation's Division of Hotels and Restaurants, obtaining a local business tax receipt, and collecting and remitting various sales taxes, and TDT taxes to state and local government; and

WHEREAS, a short-term vacation rental is a commercial lodging activity; and

WHEREAS, some short-term vacation rentals in the City are being used exclusively as rentals by investors/owners; and

WHEREAS, this ordinance additionally establishes an enforcement mechanism for those short-term vacation rentals which do not adhere to the standards on an initial or continuing basis, with the overall goal being compliance with the standards and not punitive action; and

WHEREAS, the City Council has deemed it in the best interest of its citizens and residents to adopt regulations for short-term vacation rental units; and

WHEREAS, the City Council has studied this issue, reviewed regulations adopted by other jurisdictions in Florida, obtained input from the public and stakeholders, received public comment at numerous meetings prior to adopting this ordinance; and

WHEREAS, the City Council has deemed it necessary to amend the existing Code of Ordinances to provide for the addition of maximum occupancy limits, parking requirements, and safety requirements for short-term vacation rentals; and

WHEREAS, the City Council has determined that this ordinance is consistent with the adopted Comprehensive Plan and is in the best interest of the City and its citizens; and

WHEREAS, a public hearing has been conducted by the City Council after due public notice.

SECTION 3. CREATING SECTION 8.13 OF THE FORT WALTON BEACH CODE OF ORDINANCES TITLED REGISTRATION OF SHORT-TERM VACATION RENTALS

Attachment: Ord 2181 (2201 : 2201 Ordinance Providing for a Temporary Moratorium on Short-Term Rentals)

8.13. REGISTRATION OF SHORT-TERM VACATION RENTALS

8.13.01. Purpose.

The City Council of the City of Fort Walton Beach recognizes that the under-regulated rental of short-term vacation rentals by seasonal residents, transient residents, and tourists uniquely impacts the citizens living and residing in the residential neighborhoods within the City of Fort Walton Beach. Therefore, it is necessary and in the interest of the public health, safety, and welfare to monitor and provide reasonable means for citizens of the City of Fort Walton Beach to mitigate impacts created by such rental of single-family dwelling units within the City of Fort Walton Beach as set forth by this article.

8.13.02. Definitions.

For the purpose of this article, the following terms, phrases, words, abbreviations, and their derivations shall have the meaning given herein. When consistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely suggestive. Words not defined shall be given their meaning as provided in Chapter 1, Section 1.02 Rules of Construction and Definitions, of the City of Fort Walton Beach Code of Ordinances.

Advertising means any form of communication for marketing that is used to encourage, persuade or manipulate viewers, readers or listeners into contracting for goods and/or services as may be viewed through various media, including, but not limited to, newspapers, magazines, flyers, handbills, television commercials, radio, signage, direct mail, websites, emails, or text messages.

Charter Bus Service: As defined in section 6.06.01 of the City of Fort Walton Beach Code of Ordinances a Charter Bus Service is a type of service where buses are rented by individuals or organizations for exclusive private use. Unlike an Intercity Common Carrier Bus Service, which follows specific routes with set schedules, a Charter Bus Service is hired for specific trips.

Commercial special events: Any wedding or wedding reception, spring break party, bachelor party, family reunion, class reunion, company banquet, company retreat and/or company picnic, or other similar event or celebration for which a property owner, property owner's agent, or occupant of the property obtains a profit, monetary compensation, event fee, or other commercial gain. Commercial special events are commercial uses, as defined herein.

a. The holding of two or more weddings or wedding receptions at the premises within any given 12-month period is prima facie evidence that the events are commercial special events or

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b. The holding of two or more company banquets, retreats, and/or picnic at the premises within any given 12-month period is prima facie evidence that such events are commercial special events.

Commercial special event venue: Any building, structure or land that is used or occupied for one or more commercial special events within a year. The advertising of a building, structure or land for commercial special events is prima facie evidence that the building, structure, or land is a commercial special event venue.

Commercial uses: Activities within land areas, which are predominantly connected with the sale, rental and distribution of products, or performance of services. Evidence that a property owner or authorized occupant of a property owner has obtained a profit, monetary compensation, event fee, in-kind exchange, or other commercial gain by the property owner's (or property owner's authorized agent's or occupant's) use of the building, structure or land is prima facie evidence that this definition has been met, and the use of the building, structure or land is a commercial use. Home occupations operating in compliance with section 559.955, Florida Statutes, are specifically excluded from this definition.

Garbage shall mean every accumulation of waste (animal, vegetable and/or other matter) that results from the preparation, processing, consumption, dealing in, handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, grains or other animal or vegetable matter (including, but not by way of limitation, used tin cans and other food containers); and all other putrescible or easily decomposed animal or vegetable waste matter which is likely to attract flies or rodents.

Local responsible party shall have the same definition as Responsible party below.

Maximum occupancy. For the purpose of this definition, a person shall mean any individual over the age of five years. The maximum overnight occupancy of seasonal residents or transient occupants located on a lot hosting a short-term vacation rental, located within the R-1, R1E, or R2 zoning districts shall be stated in the short-term vacation rental registration form, and shall be limited to the lesser occupancy of the following three (3) options:

a. Two (2) persons for each bedroom plus four (4) additional persons. The number of bedrooms shall be based upon the property appraiser's residential profile of the property, and other documents of record, as needed. In no case shall the maximum total occupancy for any dwelling unit exceed the occupancy limits permitted by the Florida Fire Prevention Code or Florida Building Code; or

b. A total of twenty-four (24) persons per short-term vacation rental. In the event that there is more than one (1) building or dwelling on one (1) platted lot, the maximum occupancy shall be capped at twenty-four (24) occupants per platted lot, whichever is less.

Noise means any sound not in compliance with Chapter 9.06, Fort Walton Beach Code of Ordinances.

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Owner shall mean the person in whom is vested the ownership, dominion, or title of property.

Repeat violation refers to a violation of a provision of a code or ordinance by a person who has been previously found through the special magistrate or any other quasi-judicial or judicial process, to have violated or who has admitted violating the same provision within five years prior to the violation, notwithstanding the violations occur at different locations.

Residency shall mean a person's true, fixed location of bona fide domicile. It is the place a person intends to remain and return to when one leaves without intending to establish domicile elsewhere. Residency for the purpose of this article may only be demonstrated by the address listed on a Florida state-issued driver's license or a Florida state-issued identification card.

Residential zoning districts, for purposes of this article, shall include the following zoning districts R-1, R1E, and R2 zoning districts

Responsible party shall mean an owner, management company, or individual identified by the property owner as the person responsible to receive any complaints about the unit and to respond in the manner required by this article, and who to be called upon to answer for the maintenance of the property and the conduct and acts of seasonal residents of single-family dwelling units.

Responsible person shall have the same definition as responsible party above.

Seasonal resident shall mean people, guests, tourists, lessees, vacationers, or others who lease or rent a short-term vacation rental for valuable consideration.

Short-term vacation dwelling means the same as short-term vacation rental below.

Short-term vacation rental Means a transient public lodging establishment as defined in s. 509.013, F.S., which is single family, two-family, three-family, or four-family house or dwelling, recreational vehicle, or mobile home. The term encompasses the entire lot whether or not the entire lot is offered for rental.

Short-term vacation rental business means (1) the individual, individuals, entity, or entities who own fee-simple title to the real property underlying the Short-term vacation rental, (2) the responsible party or responsible person as defined herein. If the short-term vacation rental business is owned by an entity, then the definition of short-term vacation rental business shall also apply to the shareholders, members, partners, or officers of the entity.

Single-family dwelling unit shall mean for the purposes of this article a residential structure that may either be detached from any other residential structure or be attached to a wall of another residential structure such as townhomes, duplexes, and triplexes.

Transient occupant shall mean the same as seasonal resident.

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Vehicle means any vehicle or conveyance which is designed to travel along the ground or water. The term "vehicle" includes, but is not limited to, automobiles, buses, mopeds, motorcycles, trucks, tractors, trailers, go-carts, golf carts, motor homes, boats, watercraft, and recreational vehicles.

Violation means any violation of any provision of the Code, or any provision of local, state, or federal law or regulation for which the city has enforcement responsibility and/or authority. All definitions contained in the city's Code of Ordinances shall apply to this article; however, in the event of any conflict, the more stringent shall prevail.

Violator means the person or entity, natural or otherwise, in violation of those portions of the city's Code of Ordinances which are within the jurisdiction of the special magistrate. The term "violator" shall include each of the following: the owner of the property where the violation exists; the person in immediate control of the property where the violation exists, such as tenant or current resident; the person or entity that manages the property where the violation exists, such as a property management company or landlord, if separate from the owner; or manager or person in charge of the property where the violation exists. Multiple violators may be cited for a single violation. Any violation that is enforced against a violator as set forth in this section does not preclude the enforcement of the same violation against other violators.

8.13.03. Registration, and Decal required.

It shall be unlawful for any person to allow another person to occupy any single family dwelling unit as a seasonal resident within the City of Fort Walton Beach or offer such rental services within the City of Fort Walton Beach, unless the person has registered with the City of Fort Walton Beach in accordance with the provisions of this article. Once registration is complete, the applicant will receive a city-issued annual decal which must be displayed in a conspicuous location at the front of the rental property.

8.13.04. Formal application required.

Every person required to procure a registration under the provisions of this article shall submit a new application for such registration each year to the city manager or his designee. Processing for incomplete applications will not be finalized until the application is completed in its entirety.

8.13.05. Application for registration.

Applications for registration shall include:

(1) Address of the single-family dwelling unit offered for rental.

(2) Name, address, and phone number of owner of said single-family dwelling unit.

(3) Email of owner of said single-family dwelling unit.

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(4) Name, address, and emergency contact phone number of the responsible party who shall reside within thirty (30) miles of said single-family dwelling unit. The contact number shall be a twenty-four (24) hour, seven (7) days a week contact number, and correct violations associated with the single-family dwelling unit including but not limited to authority to remove or evict tenant(s).

(5) Acknowledgement signed by the owner or agent of the owner, understanding, and agreeing to the initial and on-going compliance with the City of Fort Walton Beach's short-term vacation rental regulations and standards contained herein and all other applicable local, state, and federal laws, regulations, and standards to include, but not limited to F.S. ch. 509, and Rules, Chapter 61C and 69A, of the Florida Administrative Code.

(6) Valid and current City of Fort Walton Beach Business Tax Receipt.

(7) Valid and current Florida Department of Revenue Annual Resale Certificate under F.S. ch. 212, and a valid current department of business and professional regulation vacation rental dwelling license under F.S. ch. 509.

(8) A non-refundable registration fee. Applications submitted without a registration fee will be deemed incomplete.

8.13.06. Local responsible party required.

Whenever any property is required to be registered under this article, the owner shall appoint a person to serve as the local responsible party for service of notices as are specified herein, and notices given to the responsible party shall be sufficient to satisfy any requirement of notice to the owner. The owner shall notify the city manager or his designee in writing of the appointment pursuant to section 8.13.05 above, and shall thereafter notify the city manager or his designee of any change of the local responsible party within fifteen (15) days of such change.

The designation of a local responsible party does not relieve the owner of the responsibility to comply with all state and local statutes and ordinances. Further, a local responsible party who accepts the designation to act on behalf of a property owner is held to the same standard as the property owner with respect to compliance with all statutes and ordinances and may be cited for non-compliance with any code, rule, or ordinance applicable to the property.

Further, it is hereby made the affirmative duty of the local responsible party to:

(1) Inform all seasonal residents prior to occupancy of the single family dwelling unit of applicable City of Fort Walton Beach ordinances concerning noise, vehicle parking, garbage, and common area usage.

(2) Maintain all properties under their control in compliance with the occupancy limits, as specified in the City of Fort Walton Beach Code of Ordinances.

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(3) Ensure that the provisions of this article are complied with and promptly address any violations of this article or any violations of law, which may come to the attention of the responsible party.

(4) Be familiar with the city's short-term vacation rental regulations and provide acknowledgement that the applicant will comply with the city's regulations for short-term vacation rentals at the time of registration.

(5) Be situated close enough to the single family dwelling unit to be able to and have the capacity to service emergency calls within one (1) hour of notification, including but not limited to evicting tenants.

(6) Maintain the entire property of the single-family dwelling unit free of garbage and litter. Provide however, that this section shall not prohibit the storage of garbage and litter in authorized private receptacles for collection.

8.13.07. General regulations/standards.

The following standards shall govern the use of any short-term vacation rental as a permitted use:

(1) *On-Site Parking Standard for Short-Term Vacation Rentals.* It is a violation of this article for the transient occupants or seasonal residents of a short-term vacation rental to park vehicles on any unimproved or pervious areas located at the short-term vacation rental, and on any public right-of-ways, sidewalks, or public streets within the City of Fort Walton Beach. The lot on which the short-term vacation rental is located must provide sufficient on-site parking at all times to accommodate maximum occupancy, as calculated above in subsection (1), and as stated on the short-term vacation rental registration form. At least one space per two point five transient occupants or seasonal residents (1 parking space per 2.5 transient occupants or seasonal residents) shall be provided, ensuring that sufficient on-site parking is always available as if the short-term vacation rental were fully occupied, up to the maximum occupancy stated on the short-term vacation rental registration form.

a. Garage spaces shall only count if the space is open and available, and the transient occupants are given vehicular access to the garage. Failure to keep garage areas usable for vehicular parking if counted towards meeting the requirement shall result in a Code violation.

b. On-street parking shall not be permitted within public rights-of-way including all paved and unpaved areas adjacent to the roadways, and the roadways themselves.

c. On-site parking shall not be permitted in areas not otherwise permitted for on-site parking spaces.

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d. Golf cart, LSV, RVs, and trailer parking by transient occupants or seasonal residents of a short-term vacation rental shall not be permitted within public rights-of-way including all paved and unpaved areas adjacent to the roadways, and the roadways themselves. Golf carts, LSVs, RVs, and trailers must be parked in parking designated towards achieving the required on-site minimum.

(2) *Minimum Life/Safety Requirements for Short-Term Vacation Rentals:*

a. *Swimming Pool, Spa and Hot Tub Safety*. A swimming pool, spa or hot tub shall comply with the current standards of the Residential Swimming Pool Safety Act, F.S. ch. 515.

b. *Sleeping Rooms.* All sleeping rooms shall meet the single-family and two-family dwelling minimum requirements of the Florida Building Code.

c. *Automatic Smoke Detection Requirements.* All short-term vacation rental units are required to meet the requirements of Chapter 69A-43, F.A.C.

d. *Fire Extinguisher*. A portable, multi-purpose dry chemical 2A:10B:C fire extinguisher shall be installed, inspected, and maintained in accordance with NFPA 10 on each floor/level of the unit. The extinguisher(s) shall be installed on the wall in an open common area or in an enclosed space with appropriate markings visibly showing the location.

e. *Battery-Powered Emergency Lighting of Primary Exit.* Battery powered emergency lighting which provides illumination automatically in the event of any interruption of normal lighting shall be provided for a period of not less than one hour to illuminate the primary exit. For purposes of this requirement, short-term vacation rentals with short-term vacation rental certificates issued prior to the enactment of the ordinance providing for the codification of this standard shall have a period of six months to demonstrate compliance with the emergency lighting standard either through affidavit or inspection.

(3) *Noise*. It shall be unlawful to allow or make any noise or sound which exceed the limits set forth in Chapter 9, Section 9.06 of the Fort Walton Beach Code of Ordinances;

(4) *Docks/Boat Slips.* Commercial uses of docks appurtenant to any lots located with areas of the City zoned R1, R1E, or R2 are not permitted. At the time of registering, or renewing a short-term vacation rental with the City, any applicant offering dock usage or boat slips as an amenity to the transient occupants or seasonal residents occupying the short-term rental property (whether free of charge, or as an additional cost to the transient occupants or seasonal residents) shall provide proof that both the intensity of the use and the dock size are approved by the Florida Department of Environmental Protection (FDEP). If the

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FDEP requires a dock located at a short-term vacation rental to operate pursuant to a lease as detailed in section 253.0347, *Florida Statutes*, then the applicant shall provide a copy of the submerged land lease to the City and shall also provide proof that all lease payments to the State of Florida are current.

(5) *Waste/Garbage*. No garbage container shall be located at the curb for pickup before 7:00 p.m. of the day prior to pick up, and garbage container shall be removed before 7:00 p.m. day of pickup. In addition to regular garbage services, the owner shall be required to obtain from the City one (1) trash can for every four (4) occupants that the short-term rental vacation property is permitted to host (for example a property operating under the maximum allowable number of 24 occupants must have six (6) trash cans), and to acquire special valet garbage service in order to ensure all garbage is properly contained and removed, but such private valet garbage service shall not excuse continuing to accept and pay for regular waste services.

(6) Whoever, without being authorized, licensed, or invited, willfully enters, or remains in any structure or conveyance of a single-family dwelling unit, or, having been authorized, licensed, or invited is warned or directed by the owner, lessee, or responsible party, to depart the single-family dwelling unit and refuses to do so, commits the offense of trespass in a structure or conveyance;

(7) Recreational amenities, such as exercise facilities, hot tubs, and swimming pools, may not be jointly shared commodities and should not be considered available for use unless the right to use such facilities is clearly stated in the rental agreement for the dwelling unit;

(8) Before the hours of 7:00 a.m. or after 10:00 p.m., the occupancy load of the short-term vacation rental unit may not exceed the maximum occupancy allowed number of overnight tenants.

(9) Reasonable verification must be given to the designated local responsible party in accordance with section 8.13.06 of this article within thirty-six (36) hours of rental guest arrival to confirm compliance with the maximum overnight occupancy requirement.

(10) All marketing and/or advertising for short-term vacation rental units must contain (i) information concerning the maximum occupancy limit of the short-term vacation rental unit, and (ii) the maximum parking available on the property. Advertising for more than the allowable occupancy or allowable parking is prima facie evidence of a violation of the City Code. Further, failure to include such occupancy limits and maximum parking availability is prima facie evidence of a violation of the City Code. All advertising shall include the City issued short-term vacation Rental certificate Number as well any County or State issued TDT Registration Number.

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(11) Minimum provisions for short-term vacation rental agreements: Short-term vacation rentals shall be rented, leased, or occupied pursuant to a written rental agreement which contains, at a minimum, the following information:

a. Maximum occupancy of the short-term vacation rental that is consistent with the short-term vacation rental registration.

b. The maximum number of vehicles that will be allowed to park at the short-term vacation rental. Such number of vehicles shall not exceed the number of legal parking spaces that the short-term vacation rental owner can show are available to the short-term vacation rental.

c. A statement that all occupants must promptly evacuate from the short-term vacation rental upon posting of any evacuation order issued by state or local authorities.

8.13.08. Registration Fee.

The City of Fort Walton Beach is authorized and shall charge reasonable fees for registration to compensate for administrative expenses. The fees for registration shall be provided for, from time to time, by resolution adopted by the City Council of the City of Fort Walton Beach. If a property owner fails to register their short-term vacation rental unit in a timely manner, fines will be imposed consistent with the schedule of fees as amended. If a property owner fails to register their short-term vacation rental unit within thirty (30) days of receipt of the notice to register, the property owner is subject to code enforcement proceedings.

8.13.09. Registration not transferable.

No registration issued under the provisions of this article shall be transferred, assigned, used by any person, owner, or agent of the owner other than the one to whom it is issued, or at any location other than the one for which it is issued. No registration issued under this article creates any vested right.

8.13.10. Renewals and expiration of registration.

All short-term vacation rental registrations issued under the provisions of this article shall be valid for a period not to exceed twelve (12) months and expiring on the last day of February of each calendar year.

Renewal registration applications must meet the requirements of 8.13.05 of this article. Short-term vacation rental registration renewals may be renewed between January 1 and the last calendar day of February of each year. Short-term vacation rental registrations are due on or before the last calendar day of February of each year; any such renewal registration received after the last calendar day of February of each year is considered late and is subject to a late fee to be set by the City Council annually in the City's Fee Schedule, until the renewal registration application is submitted to the City, and must be paid in addition to any other applicable fees prior to a renewal approval, except as otherwise approved by the city manager or their designee.

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8.13.11. False information.

It shall be unlawful for any person to give any false or misleading information in connection with the application for registration required by this article.

8.13.12. Territory embraced.

The provisions of this article shall apply within the City of Fort Walton Beach.

8.13.13 Prohibition on advertising for special events in residential zoning districts.

Advertising for special events (including but not limited to weddings or wedding receptions, spring break parties, bachelor parties, family reunions, class reunions, company banquets, company retreats and/or company picnics, or other similar event or celebration) in a residential area and/or residential zoning district is prohibited.

8.13.14 Commercial special events prohibited in residential areas.

Commercial special events are prohibited in all residential zoning districts.

8.13.15. Charter Bus Services Prohibited.

No Short Term Vacation Rental Business shall permit any Charter Bus Services to provide transportation to or from any Short-Term Vacation Rental Property. The owner, operator, or responsible person of a Short-Term Vacation Rental Property is charged with the duty, and shall be responsible for informing all tenants, guests, and occupants of the Short-Term Vacation Rental Property that Charter Bus Services are not permitted to transport individuals to or from the property. A Short Term Rental Business that violates this section, either by directly permitting Charter Bus Services or by failing to notify tenants of the restriction, shall be subject to penalties as outlined in section 8.13.20.

8.13.16. Exemption for pre-existing agreements.

Notwithstanding any other provision of this ordinance, rental agreements with prospective occupants for short-term vacation rental units, or contracts for commercial special events at a short-term vacation rental unit, that were pre-existing as of the enactment of the effective date of the ordinance enacting this section, (hereinafter "pre-existing agreements") are exempt from the provisions of this ordinance for a period of one (1) year. All bookings made subsequent to the enactment of this ordinance are subject to the provisions of this ordinance. All advertising must be compliant within one hundred twenty (120) days of the effective date of this ordinance.

If a short-term vacation rental unit is cited for a violation of this chapter, (that would not be a violation if it were not for this section), when the short-term vacation rental unit is occupied under the terms of a pre-existing agreement, the short-term vacation rental owner may defend such violation based on the fact that the short-term vacation rental unit was exempt from this section due to it being occupied pursuant to a pre-existing agreement. Such defense shall be

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determined based upon the following information, and upon any additional information supplied by the short-term vacation rental owner or otherwise determined by the fact finder:

(1) Copy of deposit or payment information evidencing that the agreement was a pre-existing agreement.

(2) Copy of e-mail or other communication evidencing a binding pre-existing agreement.

(3) Information from the occupant confirming that there was a binding agreement in a time frame to make the agreement as pre-existing agreement under this section.

If it is reasonably determined by the city staff, and confirmed by the city council, that any information supplied to the City of Fort Walton Beach in support of an application for exemption, or in support of a defense based upon pre-existing agreement, was intentionally false or fraudulent, the person supplying the false or fraudulent information shall be subject to a fine as set by the city council by resolution.

8.13.17. Grandfathering.

(1) Notwithstanding the above, the owner (or authorized agent) of a short-term vacation rental that either (a) has a pending development order application as of the effective date of this ordinance, or (b) has a structure that has been used as a short-term vacation rental as of the effective date of this ordinance, may apply for the status of grandfathered for a period of five (5) years, as to occupancy limitations, and may cap its occupancy based upon the criteria and procedures set forth herein. Short-term vacation rentals that have an occupancy of twenty-four (24) or less, and that otherwise comply with the occupancy restrictions set forth in this article, will not require grandfathering to maintain that occupancy.

a. The short-term vacation rental owner, or agent, as applicable ("grandfathering applicant") shall complete a grandfathering application as prescribed by the city, which shall be submitted under oath and upon penalty of perjury, and provide verifiable written proof of the following criteria:

i. The use as a short-term vacation rental was existing and legally established as of the effective date of the ordinance adopting and creating Chapter 8.13.

ii. The number of bedrooms in the short-term vacation rental was existing and legally established as of the effective date of the ordinance adopting and creating Chapter 8.13. The number of bedrooms shall be based upon the property appraiser's residential profile of the property, and other documents of record, as needed.

iii. The short-term vacation rental must be registered with the city and must be in compliance with all applicable City of Fort Walton Beach codes and ordinances.

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(2) The grandfathering application and supporting proof shall be submitted to the city for review by the city staff in consultation with the city attorney. If city staff determines that all of the criteria set forth in the above subsection are met, staff shall confirm the requested occupancy of such short-term vacation rental. If all of the criteria are not met, then the City of Fort Walton Beach shall notify the grandfather applicant of that fact, and the occupancy level that can be approved, in writing.

(3) Within twenty (20) days after such notice, an evidentiary hearing may be requested by the grandfathering applicant before the city council to provide the grandfathering applicant an opportunity to provide evidence and/or testimony in support of the occupancy requested. A determination by the city council after such evidentiary hearing shall be final. If no hearing is requested during that time period, the occupancy level shall be set at the level determined by the city staff upon initial review.

a. Written notice of the date, time, place, and purpose of the hearing shall be mailed by the City to all owners of property located within three hundred (300) feet of the boundaries of the property for which the grandfathered rights are sought, according to the latest certified tax roll. Such notice shall be mailed not later than fifteen (15) days prior to the date of the scheduled hearing. Additionally, notice will be published in a local newspaper of general circulation at least ten (10) days prior to the public hearing.

b. The city council shall render a decision to either issue or deny the grandfathering application.

c. The decision shall be mailed to the grandfathering applicant and shall include findings of fact and conclusions of law and shall state specifically the maximum occupancy that is grandfathered for a five-year period.

(4) An application for grandfathering shall be submitted, if at all, by no later than the time of registration of the short-term vacation rental, but not later than August 1, 2025. If the city extends the date that registration is required, the deadline for the application for grandfathering shall also be extended to the same extended date. If a short-term vacation rental has been registered, but a final determination as to the occupancy level based upon grandfathering has not yet been made, such short-term vacation rental may allow occupancy up to the occupancy requested in the grandfathering application until such time as a final determination as to occupancy has been made.

(5) If the city staff determines that any information supplied to the City of Fort Walton Beach in support of an application for grandfathering was intentionally false or fraudulent, the person supplying the false or fraudulent information shall be subject to a fine as set by the city council by resolution. If there is such a determination by city staff, the City of Fort Walton Beach shall notify the grandfathering applicant of that fact, and within twenty (20) days after such notice, an evidentiary hearing may be requested by the grandfathering applicant before the city council to provide the grandfathering applicant an opportunity to provide evidence and/or testimony to show that the information supplied in support of the application for

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grandfathering was not intentionally false or fraudulent. The determination by the city council after such evidentiary hearing shall be final. If no hearing is requested during that time period, the initial determination by the city staff shall be final.

(6) If a short-term vacation rental is not registered for a period in excess of twelve (12) months, any grandfathering determination shall be deemed abandoned and shall no longer be applicable to that short-term vacation rental.

(7) If a grandfathered use ceases for a period of six (6) months, then the grandfathering shall be considered to have lapsed, and the short-term vacation rental will be subject to all occupancy requirements as set forth herein.

(8) An applicant may only submit one grandfathering application per short-term vacation rental.

(9) An appeal of a city council decision on a grandfathering application shall be by petition for certiorari review to the circuit court of Okaloosa County, based solely on the record of the hearing before the city council. The applicant is responsible for providing a verbatim transcript of the record of that hearing. Such an appeal must be filed within thirty (30) days after the city renders its decision.

8.13.18. Enforcement.

The provisions of this article shall be enforced as provided under the Code Ordinances of the City of Fort Walton Beach, and by such other means as are specified herein below:

(1) *Code enforcement:* The code enforcement division may enforce the terms of this article by bringing a case to the code enforcement special magistrate or code enforcement board, whichever is applicable.

(2) *Civil citation:* The Fort Walton Beach Police Department, City Code Enforcement division, or any other duly authorized officer or authority, may enforce the terms of this article through issuance of civil citation.

(3) *Denial/Suspension/Revocation:* Any registration issued pursuant to this article may be administratively denied, revoked, or suspended by the city for failure to satisfy the requirements for registration, or for violation by the owner of this article, any City of Fort Walton Beach Ordinance, or any state law. Such denial, revocation or suspension is in addition to any penalty provided herein.

(4) *Criminal penalties:* A violation of this article shall be punishable as a misdemeanor by a fine of up to five hundred dollars ($500.00) per violation and a definite term of imprisonment of not more than sixty (60) days as provided in F.S. § 162.22.

(5) *Civil Remedies:* It is the legislative intent of the city council in enacting this article to provide an additional or supplemental means of obtaining compliance with the requirements stated herein. Nothing contained in this article shall be deemed to

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prohibit the City of Fort Walton Beach from seeking enforcement by any other means provided by law, including, but not limited to, filing an action for declaratory and injunctive relief in a court of competent jurisdiction.

SECTION 4. SEVERABILITY

Each separate provision of this Chapter is deemed independent of all other provisions herein so that if any portion or provision of this Chapter is declared invalid, all other provisions thereof shall remain valid and enforceable.

SECTION 5. EFFECTIVE DATE

This ordinance shall take effect immediately upon approval on second reading by City Council and signature of the Mayor.

Adopted: April 22, 2025

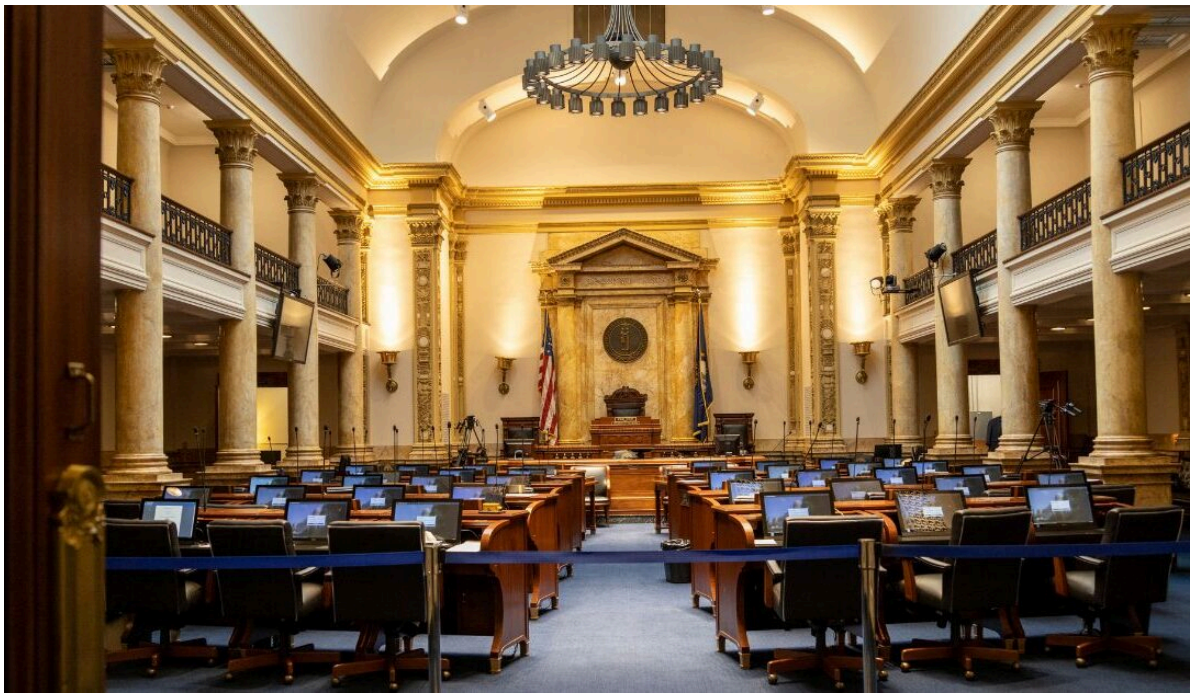
Additions are underlined; ~~deletions are stricken~~.

Attachment: Ord 2181 (2201 : 2201 Ordinance Providing for a Temporary Moratorium on Short-Term Rentals)

RENT RESPONSIBLY

Spring 2025 state short-term rental bills to watch

by Paris Achen | Local Government, Short-Term Rental Regulation, STR Advocacy 101



Updated on January 5, 2026

State legislatures around the nation are back in session. Since 2021, state short-term rental bills have increased steadily each year, and this year is no exception. As of March 10, 220 state bills contain[ing] rental terms have been filed. Below is a list of some ones to watch so far.

Our NEW STR Regulations Map is live! Look up short-term rental rules by state, city, and county.

Alaska House Bill 139

A state lawmaker has proposed groundbreaking legislation that could make Alaska the first state to offer its Governor's mansion as a short-term

rental when not in official use.

"This bill would look at the governor's mansion as an asset that we try to fund and try to be innovative in ways to try to make some of these things pay for their own expense," said Rep. Will Stapp, R-Fairbanks, who introduced the legislation.

Under HB 139, the Governor's mansion, built in 1912 in Juneau, could be rented for weddings, receptions, or even short-term stays, like those offered on Airbnb or Vrbo, during periods when the legislature is not in session, and the Governor is not in residence.

Final update: HB 139 received a hearing in the House State Affairs Committee on April 22, 2025, but never received votes from the House and Senate before the legislative session adjourned on May 20, 2025.

Arkansas HB 1445

The Arkansas State Legislature is considering a bill that would prohibit local governments, such as municipalities and counties, from enacting or enforcing any ordinance that effectively prohibits or limits the use of a property as a short-term rental.

Bill sponsor Rep. Bill McKenzie, in a post on X, described HB 1445 as "property rights legislation that works to beat back against onerous regulation from local governments, promotes tourism to our remote Arkansas destinations, and secures fundamental constitutional rights."



During a hearing on Feb. 12, 2025, he stated that the bill would not "take away a single right of local law enforcement to enforce nuisance ordinances."

The bill would allow local governments to revoke an STR license if the property has three nuisance ordinance violations.

Some local government officials testified in opposition to the bill, saying it would prevent them from adequately addressing citizen concerns and regulating STRs according to local needs.

The City, County, & Local Affairs Committee passed the bill 11-9 on Feb. 12, 2025, after the nearly three-hour hearing.

Final update: HB 1445 was never considered by the full House of Representatives before the end of the Arkansas legislative session on May 5, 2025, so the bill is now dead.

Colorado HB 25-1247

House Bill 25-1247 would increase the cap on the county lodging tax from 2% to 6%. The tax applies to the purchase price for rooms or accommodations, including short-term rentals. If the bill is approved, any county in Colorado could raise the tax to up to 6% with voter approval.

Revenue from the tax currently may be used for:

- Local tourism promotion
- Housing and childcare for tourism workers
- Facilitating or enhancing visitor experiences

Under HB25-1247, the revenue could also be used for:

- Public infrastructure maintenance and improvements
- Nature preservation and promotion of sustainable tourism practices
- Cultural and historical preservation
- Public safety

The Colorado House of Representatives approved the bill 42-20 on March 10, 2025, while the Senate approved the bill 44-18 on April 11, 2025.

“While lodging taxes already contribute significantly to state and local funding, this bill proposes expanding the allowable uses of these taxes in ways that may not align with the original intent of supporting tourism and

lodging-related infrastructure," Mile High Hosts said in an alert to members.

"We believe that if lodging tax revenue is increased, it should be allocated toward initiatives that directly address housing solutions, as this has been a key focus of recent regulations affecting short-term rentals. However, any changes to how these funds are used should be approached thoughtfully, ensuring they don't place an unfair burden on guests and the vacation rental community."

Final update: Colorado Gov. Jared Polis signed the final version of HB25-1247 into law on May 13, 2025.

Florida House Bill 7033

In a move that could reshape Florida's vibrant tourism industry, lawmakers have proposed dissolving the state's local Tourist Development Councils by the end of 2025.

Revenue from the state Tourist Development Tax–a bed tax collected from guests staying in hotels, motels, and short-term rentals–currently funds local tourism marketing efforts through county Tourist Development Councils (TDCs).

HB 7033, a large tax package, would abolish all 62 of the state's TDCs and redirect Tourist Development Tax revenue toward property tax credits, beginning in 2026, according to Florida Politics. Meanwhile, House Bill 1221 would make all Tourist Development Taxes automatically expire every eight years.

Both bills passed the Florida House of Representatives on April 25, 2025, and are now being considered in the Senate.

Final update: The Senate referred HB 7033 and HB 1221 to the Appropriations Committee, where both bills died on June 16, 2025.

Idaho S 1162

The Idaho Legislature is considering Senate Bill 1162, which bars cities and counties from passing any ordinance that prohibits short-term rentals. The legislation would allow local governments to enact ordinances to regulate STRs so long as the regulations "do not impose different restrictions or obligations on the short-term rentals than are imposed on single-family dwellings or similar structures not used as short-term rentals."
This bill would effectively prohibit ordinances that require:

- Owner occupation
- Professional property management
- Caps on the number of STRs
- Limits on the number of rented nights
- Internal or external signage, notices, or diagrams
- Notices to neighbors
- Conditional use permits in a residential zone

The bill also classifies STRs as nontransient residential for zoning and building code purposes. Cities and counties may require STRs to apply for an annual business license with a fee of no more than $50 and may revoke the business license of any STR that has three or more ordinance violations in the previous 12 months.

The bill was approved by the Senate Local Government & Taxation Committee on March 21, 2025, with a recommended amendment. The Senate approved amendments to the bill on March 28, 2025. As of March 29, 2025, the final reading of the bill had not yet been scheduled.

Final update: The Senate defeated the bill 23-to-11 on April 1, 2025.

Kentucky SB 61

Senate Bill 61 would bar cities and counties from regulating the density of short-term rentals in their communities. The bill was initially created to make minor adjustments to state regulations on private swimming pools. However, Speaker of the House David Osborne filed an amendment on March 14, 2025, to limit municipalities' power to regulate STRS.

If approved, the bill would preempt and nullify Lexington's recently passed STR regulations that sought to limit the number of STRs in proximity to each other.

The Kentucky House of Representatives approved the bill with the Speaker's amendment on March 14. The bill was returned to the Senate for approval and was passed on second reading on March 27, 2025.

Final update: SB 61 did not pass a third reading before the end of the legislative session. According to the Speaker of the House's Office, it could be reintroduced next session.

Maine LD 283

This bill in the Maine State Legislature would redirect 1% of meals and lodging sales tax revenue to municipalities. In an email to members, the Vacation Rental Professionals of Maine described the legislation as a "de facto sales tax without local input." The group said LD 283 would siphon revenue away from tourism marketing, "weakening Maine's ability to attract visitors" during a time when tourism has dropped 9%.

The bill would also allow government agencies to bypass direct community input, "setting a precedent for future tax increases," the alliance wrote.

Final update: LD 283 was voted down in the Committee on Taxation on March 11, 2025.

Missouri HB 1086

House Bill 1086 would classify short-term rentals as residential real property under state law. The bill was proposed by the Missouri Vacation Home Alliance in response to some county assessors arbitrarily reclassifying vacation home rentals as commercial because of a loophole in the tax code.

Tyann Marcink Hammond, President of the MOVHA board and Owner of Branson Family Retreats, said one of her vacation home rental property tax bills rose from $4,380 in 2022 to $10,680 in 2023 because of such an arbitrary reclassification to commercial.

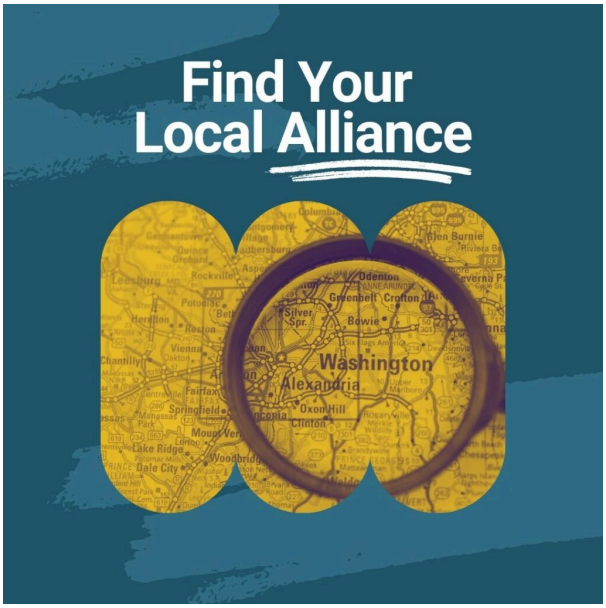
"The use hasn't changed when a home is occupied for short periods of time instead of long periods," she said during a testimony on the bill on Feb. 13, 2025. "Yet some county tax assessors feel that a vacation rental should be classified as commercial use. The business aspect of a vacation home rental is not at the property. The same as a long-term rental, the business aspects of marketing, accounting, and customer service do not happen at the property but at an office."

The House of Representatives passed the bill 118-34 on March 6, 2025, and the bill unanimously passed a Senate committee hearing on May 1, 2025.

Final update: HB 1086 came close to materializing this year but didn't make it over the finish line. The bill stalled in the final days of the 2025 legislative session due to unrelated political drama.

MOVHA already has a strategy to reintroduce the bill in the next session, which begins in January 2026. In the meantime, the group is working locally to mitigate the fallout. Kansas City, a 2026 FIFA World Cup host city, recently approved a postponement of commercial tax reclassification thanks to advocacy from Susan Brown, MOVHA Vice President and President of the Kansas City Short-Term Rental Alliance.

New Mexico HM 52



House Memorial 52 would establish a Short-Term Rental Work Group and require the Economic Development Department, the Tourism Department, and the Taxation and Revenue Department to collaboratively study STR economic contributions, workforce housing solutions, and taxation policies. By Dec. 1, 2025, the work group will be expected to present their findings and policy recommendations to state lawmakers.

The bill also would require county assessors to suspend reclassifying short-term rentals from residential to commercial until the study is completed, preventing steep tax hikes that might later need to be

reversed. Some New Mexico county assessors have begun reclassifying short-term rentals to commercial, removing the 3% annual property value cap that protects homeowners from drastic increases. Commercial property tax rates could destabilize homeowners "who rely on short-term rental income to meet mortgages, property taxes, and upkeep costs," according to the New Mexico Short-Term Rental Association.

"This [bill] is a significant first step toward safeguarding short-term rentals in New Mexico and ensuring a fair and balanced approach to our industry," NMSTRA wrote in an alert to members.

The House passed the Memorial 63-0 on March 22 and did not require Senate approval to move forward.
Final update: Members of the work group were appointed and will be required to report findings and policy recommendations to the appropriate interim legislative committees by Dec. 1, 2025.

Ohio SB 104 and HB 109

Two identical bills in Ohio's House and Senate would prohibit local jurisdictions from banning short-term rentals.

Sen. Andrew Brenner, a licensed real estate agent, reintroduced the legislation from the last session, according to a report by Journal-News.

SB 104 and its twin, HB109, sponsored by Rep. Justin Pizzulli, would prohibit local governments from adopting ordinances that would:

- Ban or cap short-term rentals in residential zones;
- Provide STR permits based on a lottery system;
- Restrict the number of STR properties one person can operate;
- Require owners to occupy short-term rental properties.

The bills permit local jurisdictions to require STR licenses and adopt ordinances to regulate health and safety. They also expand lodging taxes to short-term rentals.

Lodging tax revenues "may increase from $121 million to $150 million annually due to the bill's mandatory extension of the tax to short-term

rental properties rather than just hotels," according to an LSC fiscal analysis.

"It generates extra revenues for homeowners who may be having a hard time paying their property taxes, given the high level of property taxes that we see today," Sen. Brenner said in a quote to Journal-News. "So I think that's another reason why we need to allow short-term rentals to continue in the state of Ohio."

If enacted into law, the legislation would overturn a ban on short-term rentals in residential neighborhoods in Richmond Heights.
SB 104 was assigned to the Senate Local Government Committee, which has held three hearings but no votes on the legislation. The last hearing was on May 28, 2025. HB 109 was assigned to the House Development Committee. The House Committee on Development held a hearing on March 26, 2025, but has not acted on the bill. The Ohio Legislature remains in session until December.

Vermont H.242

H.242 in the Vermont State Legislature proposes to redefine short-term rentals and restrict STR activity to owner-occupied properties.

"This proposal would put 100% of Vermont vacation rental managers (aka thousands of Vermonters) out of work and cost the state hundreds of millions in tax revenue and visitor spending," Julie Marks wrote in an alert to members of the Vermont Short-Term Rental Alliance.

One VSTRA member said they hoped the bill would be "dead on arrival," given that vacation rentals contribute $460 million annually to the state's GDP, support 6,000 jobs, spur $650 million in visitor spending each year, and generate $54 million a year in Meals & Rooms tax revenue.

"Most likely, we will not see legislators consider this proposal this session, but it will remain viable to be considered by the same legislative committee next session," Julie said. "Actions like these demonstrate that our legislators continue to undervalue vacation rental tourism in our state. Short-term rentals provide over 60% of our visitor capacity while only occupying 3% of our housing stock. Our work is far from over."

Final update: The bill was assigned to the Committee on General and Housing on Feb. 18, 2025, but was not acted upon before the end of the legislative session on May 9, 2025.

Washington SB 5576

SB 5576 in the Washington State Legislature would replace the statewide short-term rental tax with an optional local excise tax on the sale of lodging of short-term rentals through a short-term rental platform at a rate of up to 4% to use for affordable housing programs. It also would require a county or city imposing the tax to publish an annual report detailing how tax revenues were spent in the prior year.

The original proposal would have levied a 6% excise tax. However, the bill was amended to 4% on Feb. 27, 2025, after a public hearing on Feb. 25, where STR operators spoke about how the tax would impact them.

Before the hearing, the Washington Hosts Collaborative Alliance urged members to speak to lawmakers "about how this tax would harm small business owners, homeowners, and the local economy.

"Many STR operators share their homes to help cover costs, and the majority of guests are Washington residents who would also feel the impact of this tax," the alliance noted in an alert to members.

The Senate approved the bill 27-21 on March 11. The House Committee on Finance approved the bill with amendments on March 27, 2025. The bill will now proceed to the full House of Representatives for a vote.

Final update: The session ended on April 27, 2025, without final approval for the bill.

Do you know about an important state STR bill that isn't listed here? Email us at info@rentresponsibly.org to let us know about it!

...

Text-Only Version Go To Full Site **Donate**

WUSF

Airbnb gives $1 million to Byron Donalds as rentals remain a Suncoast flashpoint

July 3, 2026 at 5:00 AM EDT

Airbnb funneled the money through a political committee called "The People Versus The Powerful." The group is chaired by Andy Gonzalez, Airbnb's Public Policy Lead for the Southeast and Gulf regions.

As Suncoast areas continue to grapple with the effect of short-term vacation rentals, the industry's most dominant player has staked a major claim in Florida's premier 2026 election.

Airbnb, the online marketplace at the center of local fights over neighborhood rentals, has contributed $1 million to the political committee supporting Republican gubernatorial candidate Byron Donalds, who previously backed legislation to curb local regulation of the industry.

Donalds, who has secured President Donald Trump's endorsement and amassed more than $74 million for his campaign while facing little serious competition in the Republican primary, is widely viewed as the favorite to become Florida's next governor.

Airbnb funneled the money through a political committee called "The People Versus The Powerful." The group is chaired by Andy Gonzalez, Airbnb's Public Policy Lead for the Southeast and Gulf regions.

On May 19, Airbnb gave $1.5 million to the committee. That same day, the committee transferred $1 million to Friends of Byron Donalds PAC.

A short-term vacation rental listed on Airbnb in south Manatee County near Sarasota Bay. Sarasota and Manatee officials have spent years weighing regulations on vacation rentals amid concerns about housing and neighborhood impacts. (600x450, AR: 1.3333333333333333)

Gonzalez did not respond to requests for comment from Suncoast

Searchlight. Ryan Smith, a Republican political consultant who chairs Donalds' committee, also did not respond to requests for comment.

Airbnb's major donation could signal the company sees Donalds as friendly to its business. As a state representative in 2020, he called the vacation rental industry "a boon to Southwest Florida," according to CBS News. At the time, he advocated for a bill in the Florida House that would have blocked local regulations on vacation rentals.

Airbnb has also sent more than $900,000 to a PAC belonging to The Southern Group, one of Tallahassee's blue-chip lobbying firms, as well as $250,000 to a duo of GOP Florida statehouse committees.

The donation comes as municipalities across the Suncoast have fought to crack down on short-term rentals over the past several years, citing concerns that they exacerbate the affordable housing crisis and degrade the character of neighborhoods.

Sarasota first regulated such rentals on the barrier islands in 2020, then the Coalition of City Neighborhood Associations of Sarasota successfully advocated last year to expand the ordinance citywide.

Manatee County is also considering an ordinance on short-term rentals that could include a licensing process and occupancy limits.

Kelly Brown, the president of CCNA, said websites like Airbnb have eroded community character by encouraging big companies to purchase homes for the sole purpose of short-term rentals, which can also raise housing prices by removing the number of homes on the market.

"It's about the outside influence of an industry that has come in and bought up houses, effectively destroying a community," Brown said.

The debate has intensified nationwide as studies have shown that concentrations of short-term rentals can modestly increase rents and home prices by reducing the supply of housing available to long-term tenants.

In Sarasota alone, there are an estimated 9,325 active short-term rental listings, according to AirDNA, a data and analytics company for the industry. Across the North Port-Sarasota-Bradenton metropolitan area, the number of

available short-term rental listings has increased by about 7.6% over the past two years, AirDNA data show.

The Friends of Byron Donalds PAC has collected more than $74 million to support the congressman's gubernatorial ambitions, largely from billionaires and corporate interests. Its largest contributors include:

- $7.5 million from Jeff Yass, the billionaire co-founder of Susquehanna International Group and an advocate for charter and private schooling
- $4 million from gambling interests such as the Seminole Tribe of Florida, DraftKings and FanDuel
- $2 million from Richard Uihlein, the billionaire CEO of Uline, a major shipping and distribution company
- $1.5 million from The GEO Group, a private prison operator
- $1.2 million from Thomas Peterffy, the chairman of Interactive Brokers
- $1 million from NextEra Energy, the parent company of Florida Power & Light
- $1 million from Steve Wynn, a billionaire casino magnate

Christian Casale covers government and politics for the Suncoast Searchlight. Email him at christian@suncoastsearchlight.org.

This story was originally published by Suncoast Searchlight, a nonprofit newsroom delivering investigative journalism to Sarasota, Manatee, and DeSoto counties. Learn more at suncoastsearchlight.org.

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Code Enforcement

Code Enforcement
Local Government Enforcement Actions

Background
Florida counties and municipalities enforce locally adopted codes and ordinances through a variety of mechanisms. Chapter 162, Florida Statutes, authorizes local governments to use code enforcement boards, special magistrates, and citation procedures to address violations of local codes. Municipal enforcement authority also extends beyond traditional code enforcement to areas such as zoning, development, permitting, building regulations, signs, and other locally adopted requirements.

2026 Session – HB 105
During the 2026 Legislative Session, **CS/CS/HB 105** (Brackett), Local Government Enforcement Actions, proposed a new, exclusive mechanism for challenging certain regulatory enforcement actions by counties and municipalities. The Senate companion was **SB 588** (McClain).

The bill broadly defined an "enforcement action" as any decision, determination, demand, inspection, citation, order, denial, interpretation, or other regulatory action by a county or municipality, subject to specified exceptions. As a result, the bill extended beyond traditional code-enforcement citations and could apply to a wide range of local regulatory decisions.

HB 105 would have prohibited a county or municipality from initiating or threatening an enforcement action that a court determined was arbitrary or unreasonable and not authorized by an ordinance. A person or business subject to an enforcement action could request local review of the action or file a court challenge within 180 days.

An action could qualify as arbitrary or unreasonable if it:

- was not supported by applicable law, rule, or adopted policy;
- deviated from a prior determination or interpretation without written justification;
- unreasonably delayed or obstructed lawful development, permitting, or other business activity; or
- imposed requirements or conditions not authorized by general law, ordinance, or regulation.

If a court found an enforcement action arbitrary or unreasonable and not authorized by ordinance, the bill required the court to award the prevailing plaintiff reasonable attorney fees and costs, actual damages of up to $50,000 per occurrence, and injunctive relief. The bill also provided whistle-blower protections for certain disclosures related to the new enforcement-review process and preempted conflicting local requirements.

Potential 2027 Legislative Issues
HB 105 passed the House 104-5 on February 25, 2026, but died in the Senate Rules Committee. SB 588 did not receive a committee hearing and died in the Senate Community Affairs Committee.

Because the proposal advanced substantially in the House, cities should monitor whether similar legislation is filed in 2027. Of particular concern would be proposals broadly defining "enforcement

action" to include routine regulatory decisions and interpretations and creating new litigation, attorney-fee, and damages exposure for local governments.

For 2027, the issue primarily involves monitoring legislation that could limit municipal enforcement authority or create additional procedures and liability for local regulatory decisions.

House Committee supports bill making it easier for people to fight local government decisions

The bill sponsor complained local governments like to 'slow roll things.'

A House Subcommittee unanimously OKed a bill that creates a new way for disgruntled people or businesses to fight local governments' decisions, which could lead to a rise in lawsuits against cities and counties.

A former Mayor himself, Rep. **Robbie Brackett** said his **HB 105** is intended to make sure local government plays by its own rules.

The **House Civil Justice and Claims Subcommittee** backed his bill Wednesday with little debate and no one in the public spoke out against it before the 16-0 vote.

"The Legislature finds that the economic vitality of this state depends on fair, consistent, and transparent enforcement of local government and special district regulations," the amended bill said. "The Legislature further finds that arbitrary or unreasonable enforcement action by a local government or special district … may impede economic growth, increase costs for housing and business development, and undermine public trust."

The legislation said that if a local government's decision, demand, citation, denial, or "any other regulatory action undertaken by a county," is "unreasonable or arbitrary" and not defined in local ordinances, then those opposed to it could request a review. Local government would be required to respond in writing within 30 days.



If local governments ignore the request, they could be sued, according to the bill, which also said people could turn to the courts to determine whether the local government's actions were arbitrary or unreasonable. If they win, the bill caps actual damages at $50,000 and allows plaintiffs to recover legal fees, as well as injunctive relief to stop the local government's move.

Brackett complained local governments like to "slow roll things."

He said his bill "gives citizens the path to request review, receive timely responses, and if necessary seek relief when government does not follow its rules."

The bill also creates whistleblower protection for employees who speak out about "arbitrary or unreasonable enforcement."

In an op-ed, Brackett said his lawsuit was meant to help "the little guy."



The House staff analysis warned the bill could face a "significant increase in litigation" for local governments and expose them to financial liability for the payment of damages awardable under the bill."

The bill, backed by the **Florida Chamber of Commerce**, could help private businesses, the staff analysis also found.

"The bill may have a positive fiscal impact on the private sector to the extent that it encourages local governments to act on decisions involving the public more expediently and to not take any action with respect to those decisions that is arbitrary or unreasonable," the analysis said.

As far as what the local disputes could be about, Brackett's bill said it could be anything, such as a local government's demand, decision, citation, denial, or "any other regulatory action undertaken by a county."

Some matters to be contested would be off-limits and exempt under the bill, such as local government actions on law enforcement, workers' compensation and employment personnel, as well as procurement, franchises, budget adoption, emergency actions, debt issuance or refinancing, the bill said.

"HB 105 restores accountability. This bill creates a clear, fair process requiring local governments to explain and justify by enforcement actions that they are alleged to be

arbitrary or unreasonable," Brackett said, who complained that the lobbyists representing Florida's cities and counties had met with him over his bill and worked with him on an amendment before telling him at the last-minute they opposed it.

"The problem is stakeholders representing local governments are slow rolling you just like the local governments do," the Vero Beach Republican told the House Subcommittee.



Gabrielle Russon

January 21, 2026

6 min

Cities

Florida Chamber Of Commerce

HB 105

House Civil Justice And Claims Subcommittee

Local Government

Robbie Brackett

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Gabrielle Russon

Gabrielle Russon is an award-winning journalist based in Orlando. She covered the business of theme parks for the Orlando Sentinel. Her previous newspaper stops include the Sarasota Herald-Tribune, Toledo Blade, Kalamazoo Gazette and Elkhart Truth as well as an internship covering the nation's capital for the Chicago Tribune. For fun, she runs



Development Review and Permitting

Development Review and Permitting

Background
In recent sessions, the Legislature has repeatedly revised the procedures and deadlines governing local development review and permitting. These changes have generally imposed more prescriptive state procedures, shortened review periods, expanded the use of private professionals, and imposed financial or other consequences when local governments do not meet statutory deadlines.

For development permits and orders, section 166.033, Florida Statutes, establishes deadlines for determining application completeness and taking final action. State law also limits requests for additional information and requires reductions in application fees when specified deadlines are missed. Building permits are governed by separate timelines and procedures under Chapter 553. (flsenate.gov)

The cumulative result is an increasingly prescriptive state framework governing how cities review and process development applications and building permits.

2026 Session – HB 927, Qualified Contractors
CS/CS/CS/HB 927 (Sapp), Local Land Planning and Development, became Chapter 2026-64, Laws of Florida. Among other changes, the legislation creates a new qualified-contractor process for certain development applications and requires municipalities with populations of 10,000 or more to establish a registry of qualified contractors by January 1, 2027.

The process applies primarily to administrative approvals governed by nondiscretionary, objective standards and generally does not apply to development requiring approval by a governing body or appointed review board when specified development impacts are materially increased.

Applicants may use qualified contractors for preapplication consultation and technical review of certain development applications, plans, and plats. For applications submitted through this process, a municipality has 5 business days to determine whether all required information has been submitted. If the municipality does not respond, the application is deemed complete. Once complete, the municipality generally has 45 days to approve, approve with conditions, or deny the application. If the municipality fails to act within 45 days, the applicant may provide written notice, after which failure to act within an additional 10 days results in the application being deemed approved without conditions. The municipality also may not re-review engineering plans, site plans, or plats already approved as compliant by the qualified contractor.

HB 927 also expands existing requirements for expedited residential building permits before final plat approval and provides additional consequences when municipalities fail to implement required expedited permitting procedures.

2026 Session – HB 803, Building Permits and Inspections
CS/CS/HB 803, Building Permits and Inspections, became Chapter 2026-63, Laws of Florida, effective July 1, 2026. The legislation made several changes involving building permits, inspections, permit fees, and private providers. (flsenate.gov)

Among its provisions, HB 803 further regulates fees when private providers perform plan review or building inspections. Local governments may not charge fees for services performed by a private provider and may not impose punitive administrative fees associated with their use. For commercial construction, permit fees must generally be reduced by at least 25% when a private provider performs plan review or inspection services and at least 50% when the private provider performs all plan review and inspection services. Failure to provide the required reduction results in forfeiture of the local government's ability to collect permit fees for the project.

HB 803 also made additional changes to building-permit processing and the use of private providers, continuing the Legislature's movement toward greater private participation and state standardization of local permitting procedures.

2026 Session – HB 399, Development Permit and Order Fees

CS/CS/CS/HB 399, Land Use and Development Regulations, became Chapter 2026-7, Laws of Florida. Among its provisions, effective January 1, 2027, development permit and development order application fees must reasonably relate to the direct and reasonable indirect costs of reviewing, processing, and finally disposing of the application and must be published on the local government's fee schedule. Fees may not be based on a percentage of construction costs, site costs, or project valuation.

HB 399 also imposes additional requirements on local review of certain land-use applications, including procedures relating to compatibility determinations for residential development.

Continuing Trend and Potential 2027 Issues

HB 927 and HB 803 continue a broader legislative trend toward shorter and more prescriptive timelines and procedures for local development review and permitting. Recent legislation has established mandatory review periods, limited opportunities to request additional information, expanded private review, required fee reductions when deadlines are missed, and, in some circumstances, provided for automatic approval.

While expedited permitting can provide greater predictability for applicants, increasingly compressed deadlines can present challenges for cities, particularly for complex applications requiring review by planning, engineering, utilities, fire, building, legal, or other departments and for smaller cities with limited professional staff.

For the 2027 Legislative Session, cities should monitor proposals that further shorten development or building-permit review periods, expand automatic or deemed approvals, impose additional financial consequences for missed deadlines, limit local review of privately certified plans, or further expand the use of private reviewers.

The Committee may wish to consider whether future changes adequately account for differences in the complexity of development applications and provide sufficient time for meaningful technical review while maintaining predictable permitting timelines.

MEMORANDUM

TO: Eric Hartwell, General Counsel
Florida League of Cities

FROM: Brian J. Sherman, Esq.
Michael D. Cirullo, Jr., Esq.
Susannah Nesmith, Esq.
DATE: May 27, 2026

RE: Legislative Update House Bill 927/Qualified Contractors

This memorandum is intended to provide an overview of House Bill 927 ("HB 927") entitled "Local Land Planning and Development," and how it will affect municipalities. Please consult with your legal counsel if you have any specific questions on how these legislative amendments will affect your particular jurisdiction.

HB 927 was signed into law by the Governor on May 6, 2026, as Chapter 2026-64, Laws of Florida. HB 927 becomes effective on July 1, 2026.

HB 927 amends several statutes affecting local government review of development permits and orders.

1. Qualified Contractors– Introduction and Application

HB 927 requires municipalities with populations of 10,000 or more to establish a registry of Qualified Contractors to conduct preapplication reviews of plans, permits, or plats. The law creates a new §163.3169, Florida Statutes, establishing a framework for applicants to use Qualified Contractors and Qualified Contractor Firms for certain preapplication consulting and technical review services associated with development permits, site plans, subdivision approvals, plats, and related land development approvals. Plan or permit reviews required pursuant to § 553.791, Fla. Stat., are expressly excluded from this framework.

An important distinction within HB 927 is that the definition of site plan or development plan approval is limited to approvals expressly designated by the local government for administrative review. This includes permits governed by nondiscretionary objective standards which are

approved by governmental staff and includes, but is not limited to, approvals or permits related to:

- Trees;
- Signs;
- Landscaping; or,
- Or minor modifications.

Preapplication technical consulting and review services are inapplicable to site plans, development plans, or modifications to existing plans that require either approval, including quasi-judicial approval, by the governing board or an appointed review board, and one of the following criteria are materially increased:

- Density;
- Intensity;
- Traffic;
- Infrastructure demand;
- Environmental impacts; or
- Results in significant offsite impacts.

Similarly, preapplication technical consulting and review services are also inapplicable to the administrative review process for "subdivisions approvals." "Subdivision approval" under HB 927 only applies to the division of land into a limited number of lots which do not create new public streets or require significant public infrastructure improvements, and do not materially increase development impacts.

2. Establishing Registry of Qualified Contractors - Municipalities

By January 1, 2027, the covered municipalities must establish a registry of at least four Qualified Contractors **or** two Qualified Contractor firms, which the municipal governing body shall allow applicants to use to supplement the local government's staff.

A "Qualified Contractor" is defined to mean:

> "The individual or firm that has demonstrated knowledge of and experience with the types of permits or development approval specified in this section. The term includes but is not limited to any of the following:
>
> - A licensed engineer or engineering firm licensed under chapter 471;

- A licensed surveyor or mapper, or a surveyor's or mapper's firm, licensed under chapter 472;
- An architect or architecture firm licensed under part I of chapter 481;
- A registered landscape architect or a landscape architecture firm registered under part II of chapter 481;
- A planner certified by the American Institute of Certified Planners with at least five (5) years of relevant government experiences, or at least ten (10) years of experience as an urban planner if not certified.

A "Qualified Contractor Firm" is generally a business organization that offers services for preapplication review, using certain specialties listed in the statutory definition as agents, employees or officers of the qualified contractor firm.

Local government entities shall use Qualified Contractors or Qualified Contractor Firms to supplement local government staff resources, in ways determined by the governing body, upon written request by an applicant for the following services:

- Preapplication consulting services for development permits and orders as provided under Section 166.033(1), Florida Statutes;
- Processing and expediting review of preliminary plat applications or related plans Section 177.073, Florida Statutes; and,
- Administrative approval of plat or replats Section 177.071, Florida Statutes.

Qualified Contractors/Firms are prohibited from having conflicts of interest, which has the same meaning as Section 112.312, Florida Statutes, and includes conflicts recognized under applicable licensing or certification standards.

Local governments may enter into an agreement with another local government for the purpose of using public employees who satisfy the requirements for a Qualified Contractor to meet the minimum number of Qualified Contractors for the registry. However, a local government cannot put its own employees on its registry.

Local governments must provide access to public records and information reasonably necessary to perform preapplication consultation services. This requirement is specifically not intended to authorize disclosure of records otherwise confidential or exempt pursuant to Chapter 119, nor may it be construed to require violating licensing terms of any applicable proprietary software licensing or similar agreements. It remains to be seen whether this language alone provides for any more than the existing public record exemptions for proprietary or trade secret material.

Although the local governments must allow the use of Qualified Contractors/Firms, the costs of the such shall remain the responsibility of the applicant.

HB 927 includes a penalty for a local government for not timely creating Qualified Contractor registry. Failure to establish or maintain a registry shall result in applicants being able to retain a Qualified Contractor/Firm of their choosing to provide preapplication consultation services. Local governments also may not condition, deny, or delay any application due to the use of Qualified Contractor/Firm.

3. Development Preapplication Consulting Services Program.

HB 927 amends §166.033, Florida Statutes, which requires municipalities to create and implement a development preapplication consulting services program. The preapplication consulting services are limited to applications for permits as defined in §163.3169, Florida Statutes. §163.3169, Florida Statutes defines "permits" to include "authorization, approval, or grant by a local governing body which authorizes the development of land for any site plan or development approval, or any subdivision approval."

A development preapplication consultant service program must provide:

- The minimum information that must be submitted in an application; and
- The review and precertification of completes of the application and all related documents, including site engineering or site plans or their functional equivalent, or plats, and their compliance with all relevant existing land development applications.

The current statutory approval process, including timelines and deadlines, for development permits and orders remains in place if the applicant declines to use the development preapplication consultation service program, or if the application is otherwise ineligible.

Municipal programs in place before July 1, 2026, which provide similar preapplication services and require mandatory preapplication meetings for certain developments, remain unaffected by HB 927. Therefore, there are multiple pathways for the application for administrative approval, including preapplication consulting services using a Qualified Contractor/Firm, an existing preapplication service program, or the existing application process. However, each application process still can only result in approval, approval with conditions, or denial by staff or the appropriate administrative official.

4. Preapplication Consulting Services Program Application Approval Times

HB 927 creates a "fast lane" for applicants who participate in the preapplication consulting services program under Section 166.033(1)(d), Florida Statutes.

Upon receipt of a completed application from a Qualified Contractor/Firm, the municipality shall confirm receipt of the proposed development application and issue written notification to the applicant that all the required information has been submitted within five (5) business days. If written notification is not provided within this timeframe, the application is deemed complete by operation of law, without conditions, and the municipality must process the application.

The municipality must then process the application for final action, approve the application, approve the application with conditions, or deny the application within forty (45) days. Importantly, the municipality **may not** re-review the engineering plans, site plans, their functional equivalent, or plats once approved as compliant by the Qualified Contractor/Firm. If the City fails to act on the application within the 45-day window, the applicant must notify the City in writing. If another ten (10) days passes without City action, the application is deemed approved without conditions.

The HB 927 "fast lane" is only available to applicants who use the preapplication consulting services program. The current statutory approval process remains in place for applicants who decline to use the preapplication consulting services program or whose application does not qualify for the preapplication consulting services program.

5. Administrative Approval of Plats or Replats

The applicant has the ability to force the municipality, by written request, to use the Qualified Contactor/Firm Registry to supplement local government staff resources to process and expedite plat and replat approvals. HB 927 permits the municipality to determine how these processes are implemented. However, the municipality's administrative approval procedures for plat and replats must remain consistent with Sections 177.071 and 177.091, Florida Statutes, and the municipality **may not** create, establish, or apply any additional procedures or conditions for the administrative approval of plats or replats.

6. Expedited Approval of Residential Building Permits Before Final Plat Recorded

HB 927 expands the definition of "Applicant" under Section 177.073, Florida Statutes to allow developers of "multiphased planned communities" to avail themselves of the expedited residential building permit approval currently allowed by statute.

HB 927 now provides a penalty for municipalities that were required to create an expedited building permit program for qualified residential developments pursuant to §177.073(2)(a), Florida Statutes. Municipalities with 10,000 or more residents **must currently** provide for an expedited permit process for 50% of an applicant's planned residential development. That requirement must be updated to 75% by December 31. 2027.

Failure to provide for these required expedited approvals would allow the applicant an unconditional, self-executing right to use a Qualified Contactor/Firm of the applicant's choosing, to provide technical review and certification services necessary to support the issuance of up to 75% of the building permits for the residential development, which includes subdivisions, planned communities, or multiphase communities, before a plat is recorded. Both the local government and the local building official would be prohibited from conditioning, delaying, limited, restricting, obstructing, or denying the applicant's use a Qualified Contactor/Firm. The Qualified Contactor/Firm may perform all technical review services, and the local building official must accept such submissions when prepared and sealed by a Qualified Contactor/Firm, subject to only a review for compliance with the Florida Building Code and applicable state law, or to otherwise identify deficiencies within the submission. **This unconditional right becomes effective immediately, unless and until the local government adopts a program that complies with Section 177.073, Florida Statutes**.

Issuance of the subject building permits is conditioned on the submittal of an approved preliminary plat, along with "approved plans." The term "approved plans" is now defined and limited by HB 927 to mean plans approved for design and permit review, and does not include, require, or imply any certification, attestation, or confirmation of the completion of the construction or improvements referenced by such plans. However, construction of the minimum access and roadway improvements as required by the Florida Fire Prevention Code, including stabilized emergency access roadways, are otherwise included within the term "approved plans."

Conclusion

HB 927 substantially reforms the development review process, creating an avenue for the use of private vendors for certain approval processes traditionally completed by local government. It sets limits on municipal review of plans approved by Qualified Contractors and Qualified Contractor Firms. HB 927 also provides developers an option to use the private sector to expedite the development review and approval process, and provides penalties for municipalities that decline to timely implement the statutorily-required preapplication consulting services program.

Please consult with your municipal attorney to discuss how HB 927 affects your jurisdiction and the steps needed to implement the requirements mandated by HB 927

Q & As

Question: What is the contractual and oversight relationship between the Local Government, the applicant, and the Qualified Contractor/Qualified Contractor Firm?

> Answer: The Local Government is required to create the registry for the Qualified Contractors / Firms. Once created, HB 927 does not provide for any direct Local Governments oversight of qualified contractors once they are added to the registry. Each local government may want to consider creating an application or procurement process for Qualified Contractors/Firms. This includes a renewal process, as well as a revocation process for Qualified Contractors or Qualified Contractor Firms found to be derelict in their preapplication consulting and technical review services.

Question: Are the communications between Qualified Contractors/ Firms and applicants public records?

> Answer: This question would likely be resolved through litigation, but a stance against open records would be a difficult position for a government entity to support. The Court would consider a variety of factors including public records disputes are resolved in favor of open records, the fact that Qualified Contractors/Firms are paid by the applicant, and that Qualified Contractors/Firms are intended to "supplement the local government's staff resources in ways determined by the governing body…."

Question: Are Qualified Contractors/ Firms determinations attributable to the Local Government?

> Answer: It is unclear whether any Qualified Contractors'/Firms' determinations become lawfully attributable to the Local Government. Issues such as this may underscore each Local Government's need to consider if relevant defensive contract terms may be drafted to better defend the Local Government's interests under any Qualified Contractors/ Firms agreement.

Question: What can staff do if the Qualified Contractors/Firms misapply the applicable standards?

> Answer: Local Government staff may only confirm receipt of an application once submitted by a Qualified Contractors/Firms and verify completeness through a written notification within five (5) days of submittal. The applicant has thirty (30) days to correct deficiencies "by submitting the required information." At that point, the application must

be processed and approved, approved with conditions, or denied. Although a re-review of the application is not permitted, the Local Government retains the right to deny applications, or approve with conditions, if the Qualified Contractor or Qualified Contractor Firm used by the applicant makes an error within the application. The Applicant, residents, or any other affected party would retain all currently existing rights to appeal or challenge the approval or denial of an application once the final determination is made by the Local Government.

Question: My municipality has a similar program already in place, so do we have to comply with HB 927?

Answer: Existing programs may continue to exist, however, a HB 927 compliant program must be implemented by January 1, 2027. If this deadline passes without a compliant Qualified Contractors or Qualified Contractor Firm Registry in place, an applicant can essentially pick their own Qualified Contractors or Qualified Contractor Firm to assist with the preapplication review process until a compliant program is in place. It should be noted that some qualifying local governments are contemplating accepting this process in lieu of creating a registry and allowing any statutorily permitted Qualified Contractors or Qualified Contractor Firm to submit applications.

2026 Legislation Imposes New Requirements on

Building Permit Fees and Development Order and Development Permit Fees

May 5, 2026

CS/CS/HB 803 and CS/CS/CS/HB 399 impose new requirements and limitations on fees associated with building permits, development permits, and development orders. The changes to building permit fees are effective July 1, 2026. The changes to development order and development permit fees are effective January 1, 2027.

Current Law

Building Permit Fees (section 553.80, Florida Statutes)

A local government may charge reasonable fees as set forth in a schedule of fees adopted by the enforcing agency for the issuance of a building permit. Such fees shall be used solely for carrying out the local government's responsibilities in enforcing the Building Code (the direct costs and reasonable indirect costs associated with training, review of building plans, building inspections, re-inspections, building permit processing, and fire inspections. All building permit and inspection fee schedules must be posted on the local government's website. A building permit fee must be limited to an amount sufficient to cover the local government's costs in enforcing the Building Code. When providing a schedule of reasonable fees, the total estimated annual revenue derived from fees, and the fines and investment earnings related to the fees, may not exceed the total estimated annual costs of allowable activities. Any unexpended balances must be carried forward to future years for allowable activities (**CS/CS/CS/SB 1614**, passed in the 2026 Session, eliminates the construction of a building to house the building enforcement agency as an allowable activity), or must be refunded at the discretion of the local government. A local government may not carry forward an amount exceeding the average of its operating budget, not including reserve amounts, for enforcing the Building Code for the previous four fiscal years.

New Requirements for

Building Permit Fees *CS/CS/HB 803*

(Effective July 1, 2026)

CS/CS/HB 803 revises requirements relating to building permits and exemptions from building permits, building permit fees, and private providers. This paper addresses only the changes to building permit fees. Please see the bill text linked above for additional changes to the law relating to building permits and private providers. The bill:

- Prohibits inspection fees based on the total cost of the project and prohibits inspection fees that exceed the actual inspection costs incurred by the local government.
- Current law requires that if a private provider is used for building inspection or plans review, the local government must reduce the permit fee by the amount of cost savings realized by the local government for not having to perform such services. Such reduction may be calculated on a flat fee or percentage basis, or any other reasonable means. The fee must reflect the actual cost incurred by the local government, including the labor cost of the personnel providing such services and the clerical and supervisory assistance required to comply with section 553.791.
- Local governments may not charge fees for plans review or building inspections if a private provider is used to perform these services. The bill also prohibits punitive administrative fees when a private provider is used.
- Permit fees for commercial construction projects must be reduced by at least 25% when a private provider is used for plans review or building inspection services and by at least 50% when a private provider is used for all plans review and building inspection services. If the local government fails to reduce the fee by the percentage provided, the local government forfeits the ability to collect any fees for the commercial construction project.

Refer to this House of Representatives Final Bill Analysis and the bill text, linked above, for information on the remainder of the bill.

Current Law

Development Permit & Order Fees (excluding building permits) (section 166.033, Florida Statutes)

Section 166.033, Florida Statutes, does not currently impose any restrictions on the calculation of fees for development orders and permits. However, section 166.033(4) does require the fee to be reduced by specified percentages if the statute's timeframes for review and final action on a permit application are not met. Note that section 166.033 excludes building permits. For information on restrictions relating to building permit fees, please refer to section 553.80, Florida Statutes.

New Law

Development Permit & Order Fees (CS/CS/CS/HB 399) *Effective January 1, 2027*

CS/CS/CS/HB 399 revises requirements for fees associated with development orders and permits, assessing the compatibility of residential land uses, variances for large destination resorts, parity of off-site constructed dwellings with site-built single-family homes, and the permitting of compost facilities. With respect to fees for development orders and permits, the bill adds a new subsection (9) to section 166.033, which requires the following:

- The amount of any application fee associated with a development permit or development order must reasonably relate to the direct and reasonable indirect costs associated with the review, processing, and final disposition of the application and must be published on the municipality's fee schedule.
- The fee may not be based on a percentage of construction costs, site costs, or project valuation.

Refer to this House Final Bill Analysis and the bill text, linked above, for information on the remainder of the bill.



Development Regulations in Barrier Island and Coastal Communities

Community Planning and Land Use Regulation

Draft Priority Statement:

The Florida League of Cities **SUPPORTS** legislation modernizing the Community Planning Act to clarify state and local responsibilities, streamline planning requirements, preserve local flexibility in accommodating growth and housing needs, ensure development is supported by adequate infrastructure, protect municipal authority over short-term rentals and housing location decisions, and establish fair and efficient land use appeal procedures that respect adopted local comprehensive plans and land development regulations.

Background:

Florida's Community Planning Act, Chapter 163, Part II, Florida Statutes, establishes the framework for local government comprehensive planning and growth management. The Act requires municipalities to plan for future land use, housing, transportation, infrastructure, conservation, and other community needs.

Over time, legislative changes have added new planning requirements and limitations on municipal authority, creating an increasingly complex regulatory framework. Modernization of the Act presents an opportunity to clarify the respective responsibilities of state and local governments, eliminate outdated requirements, and provide greater flexibility for cities to accommodate growth while protecting infrastructure capacity and community character.

State and Local Planning Responsibilities:

The Community Planning Act establishes statewide planning requirements while assigning local governments primary responsibility for adopting and implementing comprehensive plans. However, continuing legislative changes and state preemptions have created uncertainty regarding the appropriate division of state and local authority.

Potential reforms could more clearly identify matters of statewide concern, eliminate unnecessary planning requirements, and allow municipalities greater flexibility to implement statewide objectives through locally appropriate planning and redevelopment strategies.

Housing and Infrastructure:

State housing policies increasingly emphasize expanding housing supply and permitting additional housing types. However, statewide requirements may not adequately account for differences in local housing demand, infrastructure capacity, available land, and community development patterns.

Potential reforms could ensure housing obligations are based on demonstrated need, preserve municipal authority to determine appropriate locations for new housing types, and require consideration of infrastructure capacity when accommodating additional

growth. Reforms could also protect local authority to regulate short-term rentals consistent with community needs.

Land Use Appeals:

Disputes involving comprehensive plan amendments, development approvals, and land development regulations can result in lengthy and costly administrative or judicial proceedings.

Modernization efforts could establish more efficient and cost-effective land use appeal procedures while protecting due process and ensuring that decisions and remedies remain consistent with adopted comprehensive plans and duly enacted land development regulations.

Development Regulation in Barrier Island and Coastal Communities

Background:

Barrier island and coastal communities face unique challenges related to development, infrastructure capacity, hurricane evacuation, and coastal resiliency. Limited roadway access and evacuation routes can create significant public safety concerns, particularly during major hurricanes when communities may become isolated or inaccessible to emergency responders.

Statewide development mandates, particularly those intended to increase affordable and workforce housing, may not adequately account for these unique circumstances.

Current Law and Concerns:

The Live Local Act, codified in section 166.04151, Florida Statutes, preempts certain municipal land-use and zoning regulations for qualifying affordable housing developments, including restrictions on density, height, and development intensity.

These requirements may limit the ability of barrier island communities to regulate development based on infrastructure limitations, hurricane evacuation capacity, and other public safety considerations.

Potential 2027 Legislative Issues:

Commissioner Gary Coffin of Longboat Key has requested that the Committee consider supporting legislation providing barrier island communities with greater local authority to regulate development.

Potential approaches could include targeted exemptions or enhanced local discretion under the Live Local Act and other statewide development mandates to account for hurricane evacuation capacity, infrastructure limitations, coastal resiliency, and public safety while preserving the State's affordable housing objectives.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, URGING THE FLORIDA LEGISLATURE TO REPEAL SECTION 166.04151, FLORIDA STATUTES (THE LIVE LOCAL ACT) OR, IN THE ALTERNATIVE, ADOPT AMENDMENTS TO THE LIVE LOCAL ACT THAT ALLOW MUNICIPALITIES TO ADOPT INCLUSIONARY ZONING INCENTIVES AT THE LOCAL LEVEL FOR THE DEVELOPMENT OF WORKFORCE HOUSING AT A MORE APPROPRIATE SCALE, INCLUDING, BUT NOT LIMITED TO, BY PROVIDING SPECIAL CONSIDERATION, EXEMPTIONS, OR ENHANCED LOCAL DISCRETION FOR BARRIER ISLAND AND COASTAL MUNICIPALITIES WITH UNIQUE RESILIENCY, EVACUATION, INFRASTRUCTURE, AND HISTORIC PRESERVATION CONCERNS; TRANSMITTING A SUMMARY OF PENDING AND APPROVED LIVE LOCAL APPLICATIONS IN MIAMI BEACH AS OF OCTOBER 1, 2026; AND FURTHER, DIRECTING THE CITY CLERK TO PROVIDE A COPY OF THIS RESOLUTION TO THE SOUTH FLORIDA STATE LEGISLATIVE DELEGATION AND TO NEIGHBORING MUNICIPALITIES.

WHEREAS, the City of Miami Beach ("City") is a barrier island with finite land area, limited roadway access and evacuation routes, constrained parking and infrastructure capacity, nationally significant historic districts, and unique resiliency challenges related to sea level rise, flooding, and storm surge, all of which require careful local planning and management of development intensity to protect public safety, quality of life, and the long-term sustainability of the community; and

WHEREAS, during the 2023 regular Legislative Session, the Florida Legislature enacted the "Live Local Act," codified at Section 166.04151, Florida Statutes, for municipalities and Section 125.01055 for counties, intended to streamline and incentivize affordable and workforce housing development throughout the State of Florida; and

WHEREAS, the Live Local Act preempts numerous provisions in the City's Comprehensive Plan and Land Development Regulations relating to permitted land uses, building height, floor area ratio, density, and parking, and requires the City to administratively review and approve qualifying developments, thereby superseding provisions in the Land Development Regulations ("LDRs") requiring review and public hearings by the City's land use boards; and

WHEREAS, in 2024, 2025, and 2026, the Florida Legislature amended the Live Local Act to provide additional zoning incentives for qualifying projects; and

WHEREAS, as of October 1, 2026, the City has approved 5 projects under the Live Local Act and 12 applications are currently under review, which projects are summarized in Exhibit "A" to this Resolution; and

WHEREAS, the projects that the City has been required to approve pursuant to the Live Local Act will introduce development that is significantly larger and more intense than surrounding neighborhoods and that threatens the integrity of the City's historic districts; and

WHEREAS, the summary of pending and approved Live Local Act applications, attached hereto as Exhibit "A", highlights the extreme height and intensity, which far exceed the City's

legislatively adopted Year 2050 Comprehensive Plan and LDRs, that the Live Local Act authorizes for Live Local Act projects as compared to non-Live Local Act projects; and

WHEREAS, additional amendments to the Live Local Act and/or other applicable state laws concerning land development or preemptions to the state may be considered by the Florida Legislature during its 2027 regular Legislative Session; and

WHEREAS, the Mayor and City Commission find that local governments, particularly geographically constrained coastal and barrier island communities, are in the best position to develop housing policies that account for infrastructure capacity, transportation networks, public safety, hurricane evacuation, resiliency, and historic preservation while promoting attainable and workforce housing opportunities; and

WHEREAS, the Mayor and City Commission now desire to urge the Florida Legislature to repeal the Live Local Act or, in the alternative, adopt amendments to the Live Local Act that allow municipalities to adopt inclusionary zoning incentives at the local level for the development of workforce housing at a more appropriate scale, including, but not limited to, by providing special consideration, exemptions, or enhanced local discretion for barrier island and coastal municipalities with unique resiliency, evacuation, infrastructure, and historic preservation concerns; transmit a summary of pending and approved Live Local applications in the City as of October 1, 2026; and further, direct the City Clerk to provide a copy of this Resolution to the South Florida State Legislative Delegation and to neighboring municipalities.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby urge the Florida Legislature to repeal Section 166.04151, Florida Statutes (the "Live Local Act") or, in the alternative, adopt amendments to the Live Local Act that allow municipalities to adopt inclusionary zoning incentives at the local level for the development of workforce housing at a more appropriate scale, including, but not limited to, by providing special consideration, exemptions, or enhanced local discretion for barrier island and coastal municipalities with unique resiliency, evacuation, infrastructure, and historic preservation concerns; transmit a summary of pending and approved Live Local applications in Miami Beach as of October 1, 2026; and further, direct the City Clerk to provide a copy of this Resolution to the South Florida State Legislative Delegation and to neighboring municipalities.

PASSED AND ADOPTED this ___ day of _____, 2026.

ATTEST:

_____
Steven Meiner, Mayor

_____
Rafael E. Granado, City Clerk

APPROVED AS TO
FORM AND LANGUAGE
AND FOR EXECUTION

_____ 10/7/2026
City Attorney Date

(Sponsored by Commissioner Laura Dominguez)

EXHIBIT A
LIVE LOCAL ACT APPLICATIONS IN MIAMI BEACH

I. Approved projects

Property Address	Date of approval	Approved Height	Maximum Height for Non-Live Local Development	Total Square Footage Allocated to Workforce Units	Total Square Footage Allocated to Market-Rate Units	# of Workforce Units	# of Market-Rate Units
1960 Normandy Drive	December 29, 2025	85'-10"	40'-0"	55,950	0	117	0
663 Alton Road	June 11, 2026	204'-0"	50'-0"	45,741	0	79	0
1826 Collins Avenue	September 2, 2026	200'-0"	50'-0"	5,190	32,850	12	17
7410 Collins Avenue	September 2, 2026	122'0"	50'-0"	15,033	30,066	20	30
7401–7425 Harding Avenue	October 1, 2026	235'-0"	50'-0"	17,248	57,780	40	60

II. Pending applications

Property Address	Date of submission	Requested Height	Maximum Height for Non-Live Local Development	# of Workforce Units	# of Market-Rate Units
425 Ocean Drive	April 10, 2026	440'-2"	115'-0"	60	90
1030 6th Street	March 30, 2026	55'-0"	75'-0"	79	0
709 Alton Road	March 30, 2026	419'-0"	50'-0"	79	118
1511 Alton Road	March 30, 2026	519'-0"	60'-0"	64	99
1920 Alton Road	February 11, 2026	296'-10"	65'-0"	19	21
1501 Collins Avenue	September 5, 2025	300'-0"	150'-0"	50	74
1901 Alton Road	August 12, 2024	200'-0"	40'-0"	82	120
1575 Alton Road	August 12, 2024	519'-0"	60'-0"	72	91
880 71st Street	June 10, 2024	225'-0"	50'-0"	40	60
42 Collins Avenue	June 10, 2024	385'-0"	75'-0"	72	98
824 Alton Road	June 10, 2024	505'-9"	60'-0"	72	77
740 Alton Road	June 10, 2024	384'-3"	60'-0"	40	59



Community Planning and Land Use Regulations

Community Planning Act Revision

Florida's Community Planning Act, Part II of chapter 163, Florida Statutes, governs local government planning, growth management, and land development regulation. It requires all municipalities and counties to adopt and maintain a comprehensive plan, which is the community's long-range policy document for growth and development. The Act specifies minimum standards for comprehensive plans. All development orders and land development regulations (such as zoning and development standards) must be consistent with the comprehensive plan. Comprehensive plans can be considered a policy document with the effect of law; whereas land development regulations are the implementing mechanism of the plans.

Between the mid-1980s until 2011, the Act was robustly enforced by the Department of Community Affairs. In 2011, following years of criticism for micromanaging local decisions and stymying development, the legislature substantially revised the Act and eliminated the Department of Community Affairs. Local governments were left to plan and manage growth on their own, with minimal enforcement or assistance from the state. Florida has experienced unprecedented growth since 2011. Demands on infrastructure and natural resources have skyrocketed. Housing supply has not kept up with population growth. The prevalence of single-family home development patterns has resulted in sprawling suburbs and congested roadways. The cost of housing has soared. Affluent Floridians and investors can afford to buy, but others are left with few options. Developers and housing advocates argue that local land development regulations contribute to Florida's housing supply and affordability woes. Legislative preemption of local land use authority have become a matter of routine.

These factors have led legislators and others to conclude the Community Planning Act should be revised and updated. Legislation will be filed in the 2027 legislative session to begin this process. The process of revising the Act may continue into the 2028 legislative session. Specific proposals for reforming the Act have been slow to emerge, but can be separated into several broad categories:

- Updating the required "elements" for comprehensive plans to hold local governments more accountable for planning outcomes (e.g., whether allowable future land uses sufficiently accommodate projected population growth in terms of housing supply and housing types)
- Revising legal mechanisms for challenging local government development decisions, such as rezonings and comprehensive plan amendments
- Increasing density in urban infill areas to reduce demands in rural areas

- Developing a rural growth policy (including criteria for adopting and amending urban growth boundaries)
- Removing local government regulatory and zoning barriers to “starter homes” and middle-income housing

SUMMARY

Proposed Special Magistrate Review of Eligible Quasi-Judicial Land Use Actions

Based on draft dated August 20, 2026

Summary

The bill creates a locally administered special magistrate review process for specified quasi-judicial land use decisions and recommendations by local government boards. Local governments identify covered actions, but must at a minimum, include privately-initiated site plan, rezoning, and variance actions. If invoked by the applicant or local government following an initial hearing by a "board" as defined in the bill, the optional special magistrate process produces a recommended order for final action by the elected governing body, followed by circuit court certiorari review. The final action hearing is limited to the record before the special magistrate, and public participation is limited. A party that participates in a special magistrate hearing waives other causes of action for review of the same matter. The bill establishes uniform minimum procedures, while allowing local governments to adopt additional procedures that are not inconsistent with the statute.

What decisions are covered

- Each county and municipality must periodically identify by ordinance or resolution which board decisions or recommendations qualify as "eligible quasi-judicial land use actions."
- At a minimum, eligible matters must include private applications for zoning-map amendments, site plans, and variances.
- Matters not designated as eligible, and eligible matters for which neither side invokes this process, remain reviewable under otherwise applicable law.
- The bill does not apply to legislative comprehensive-plan or land-development-regulation actions, legislative map actions, statutory development agreements, or proceedings governed by another procedure expressly required by general law.

Who may initiate and participate

- An applicant or the local government's director may petition for special-magistrate review of an eligible decision or recommendation, following an initial hearing on the application by a board.
- The petition must be filed on the 30th calendar day after rendition. A late filing forfeits the special magistrate option but does not bar otherwise available circuit court remedies.
- An adversely affected party may seek intervention within 20 days after the petition is filed. The party must show an adverse effect to an interest protected or furthered by the comprehensive plan or land-development regulations that exceeds the general public interest in degree.
- The local government must notify the applicant and qualifying participants, post notice on its website, explain intervention and response rights, and maintain an electronic notice list for persons who requested subsequent notice and supplied an email address.

Special magistrate qualifications and administration

- The local government appoints special magistrates and designates a hearing administrator.
- A special magistrate must be either a Florida attorney with experience in specified areas, or a Division of Administrative Hearings administrative law judge.

Process and timeline

Deadline/Stage	Requirement
Within 30 calendar days	Applicant or local gov't files petition after rendition
Within 15 days after petition	Petitioner files certified transcript, if available; administrator forwards petition and record to special magistrate within 15 days of filed petition
Within 5 business days	Administrator provides required notice of petition
Within 20 days after petition	Responses and motions to intervene filed
Within 25-30 days of filing petition	Special magistrate conducts pre-hearing conference and schedules hearing
Not more than 45 days after petition	Hearing begins, unless parties agree to later date
Within 20 days after hearing	Special magistrate issues recommended order, unless parties stipulate to later date
At least 5 days	Parties have at least 5 days to file exceptions
Next regularly scheduled meeting of governing body or next meeting in which notice requirements can be met	Governing body meeting and decision
Within 30 calendar days	Local gov't decision must be reduced to writing
Within 30 days of rendition of local gov't decision	Petition for writ of certiorari to circuit court may be filed

Scope of the hearing and standard of review

- Default approach: The proceeding is limited to the record created before the local board.
- De novo option: The parties may unanimously stipulate to go beyond the board record and present new evidence.
- Record review: The special magistrate determines whether the board afforded procedural due process, observed essential requirements of law, and based its decision on competent substantial evidence.
- De novo review: The applicant carries the burden applicable to the underlying action; the decision is based on competent substantial evidence under the comprehensive plan, code, regulations, and applicable law.
- Public comment is permitted in either format, but in a record-limited proceeding it has evidentiary weight only to the extent it is based on the existing record. In a de novo proceeding, public comment receives evidentiary weight only when supported by competent substantial evidence.
- Formal rules of evidence and procedure do not apply. Relevant evidence may be admitted; hearsay may be admitted but may not be the sole basis for a decision. Parties are not required to have counsel.

Recommended order and final local action

- The special magistrate may recommend approval, denial, partial approval or denial, or approval with conditions. The recommended order must contain findings of fact, conclusions of law, and a legal description of the property.
- The elected governing body considers the recommended order on the applicable record without new public comment or new evidence. It may allow limited oral presentations and may question staff or parties.
- The governing body is bound by the special magistrate's findings of fact. It may modify conclusions of law if clearly erroneous and may make reasonable interpretations of its own comprehensive plan and land-development regulations.
- The governing body may adopt the recommended order, adopt it with changes, or direct preparation of a revised order.

Costs, settlement, and judicial review

- A non-government petitioner pays an administrative fee covering reasonably incurred processing and magistrate selection costs.
- Special magistrate fees and costs are divided evenly among all parties, including intervenors.
- The local government director may negotiate a settlement before the hearing. A settlement is not final until approved by the governing body at a public hearing; approval results in automatic dismissal of the pending hearing.
- The final decision is reviewable by petition for writ of certiorari in circuit court unless general law expressly provides another method.
- A party that participates in the special magistrate proceeding waives other causes of action for review of the same eligible quasi-judicial land use action, except for further review authorized by the proposal and the Florida Rules of Appellate Procedure.



Increasing Housing Diversity and Supply

FLORIDA POLICY PROJECT

Best Practices for Starter Homes: Restoring the Path to Homeownership for Florida's Working Families

By Avery Bernstein, Research Analyst at the Florida Policy Project,
and Ed Pinto, Co-Director of the AEI Housing Center

Goal	Increase the supply of starter homes for working families.
Recommendation	Establish statewide standards that cap the minimum lot sizes that local governments may require for new subdivisions, in order to permit single-family detached homes on lots of 2,500 sq. ft. or greater and townhomes on lots of 1,000 sq. ft. or greater. This would not restrict property owners or homebuilders from building homes on larger lots; it simply gives them the flexibility to build homes on smaller lots.

Florida is Not Building Enough Starter Homes

A "starter home" is a single-family detached home or a single-family attached home, that a working family can afford to buy or rent. The most important metric for whether a working family can buy a home is the cost of the home relative to the income of the family. A useful metric for defining a newly constructed starter home is that it must cost at most 4.0 times the median household income of the given county where the home is located. For example, the median household income in Alachua County is around $62,000, so a starter home in Alachua County must cost at most $248,000.[1]

In large part because the housing supply did not keep up with demand during the past decade of high population growth in Florida, the state is now short about 486,000 homes,[2] and the shortage is most severe for starter homes; the median carpenter household, a proxy for Florida's working class, could purchase 74% of existing entry-level homes in Florida in 2012, but could only afford 20% of such homes in 2025.[3]

[1] "QuickFacts: Alachua County, Florida." *U.S. Census Bureau*, www.census.gov/quickfacts/fact/table/alachuacountyflorida.
[2] AEI Housing Center and U.S. Chamber of Commerce. "Strong Foundations: A Playbook for Housing and Economic Growth (Florida)." *AEI Housing Center*, 3 Sept. 2025, aeihousingcenter.org/playbook/florida.
[3] AEI Housing Center and U.S. Chamber of Commerce. "Strong Foundations: A Playbook for Housing and Economic Growth (Florida)." 3 Sept. 2025, aeihousingcenter.org/playbook/florida.

In new Florida subdivisions build from 2015-2024, the median lot size for all single-family homes was 6,500 sq. feet, with a living area of about 2,000 sq. ft., valued at $452,523 in 2025, about 5.9 times the given county median income.[4] However, Florida starter homes built in new subdivisions during this time period had a median lot size of 4,800 sq. ft, with a living area of about 1,500 sq. ft. (still family-sized with 3 bedrooms), and sold for around 3.7 times the given county median income. These starter homes accounted for only 10% of all homes built in new subdivisions in Florida from 2015-2024, while the other 90% were not starter homes.

The main reason why so few starter homes are being built in Florida is because of local governments' minimum lot sizes. Minimum lot sizes are the smallest size lot on which a local government allows a property owner or a homebuilder to construct a home, which we explain further in the report. When a local government requires a larger minimum lot size, it forces property owners and homebuilders to build more expensive homes on larger lots. If statewide standards allowed homebuilders to construct new homes on smaller lots, they would build far more starter homes at lower prices.

How Florida Can Build More Starter Homes

Our policy recommendation for the Florida Legislature is to prioritize a Starter Homes Act that sets statewide standards for local government minimum lot sizes. We recommend minimum lot sizes in new residential subdivisions be set at a maximum of 2,500 sq. ft. for single-family detached homes and 1,000 sq. ft. for townhomes. This would not restrict property owners or homebuilders from building homes on larger lots; it simply gives them the flexibility to build homes on smaller lots.

Statewide, we estimate that a Starter Homes Act that sets our recommended standards for minimum lot size, and for related regulations that we address later in the report, would make homes more affordable by increasing the annual production of new single-family homes by over 80%. The median of these new single-family homes would:

- Be valued at $356,000, which is about 4.4 times Florida's median county-based household income, and is $100,000 less than the median value of new single-family homes that are being built under current local government regulations.
- Have a lot size of 3,500 sq. ft., with 1,700 sq. ft. of living area (3-4 bedrooms).
- Reduce sprawl, preserve farmland, and protect the environment, by allowing more homes on land that is already zoned for residential use.

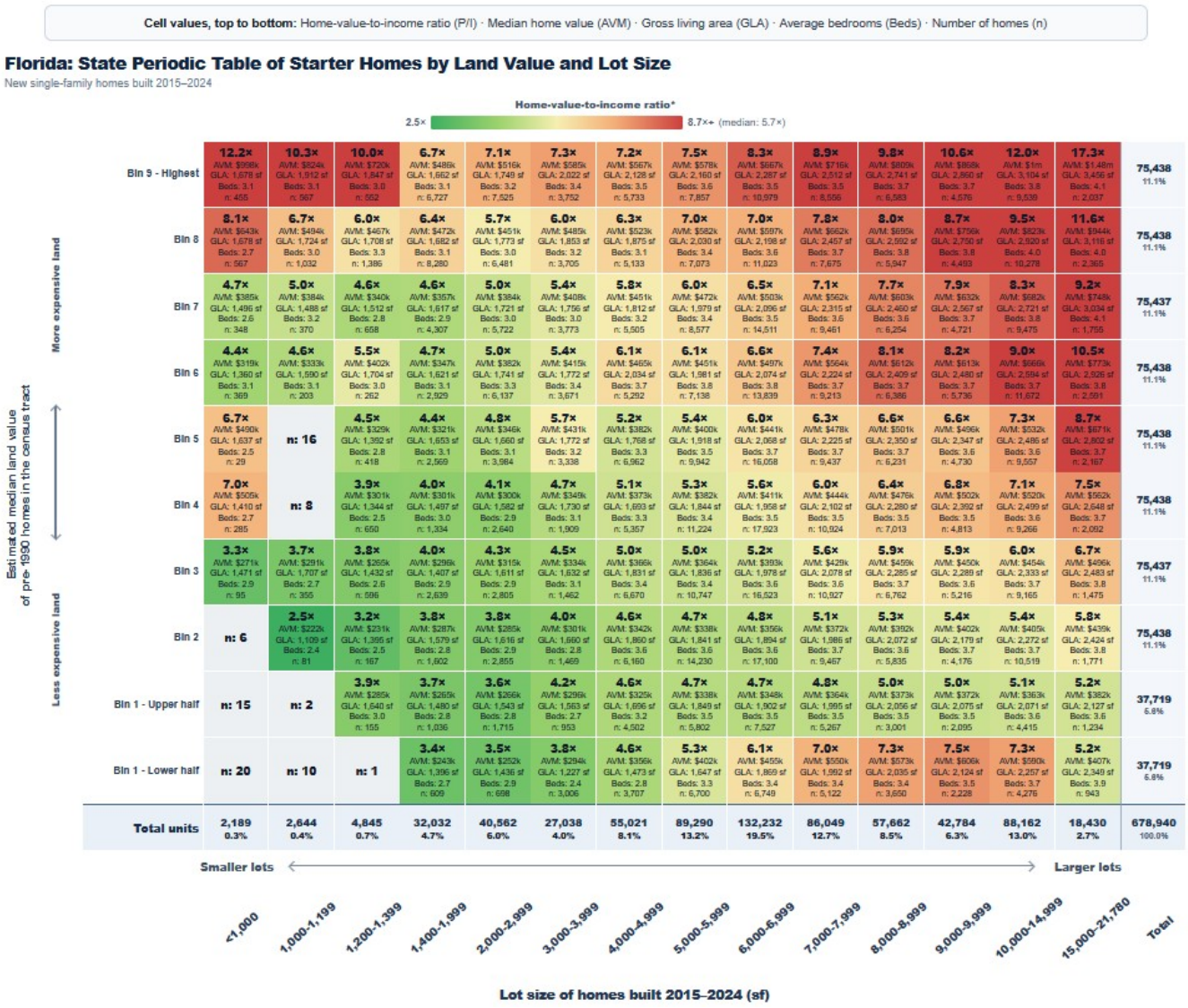
Statewide, we also estimate that the Starter Homes Act would increase the annual production of new starter homes seven-fold (by 671%), and would increase the proportion of new starter homes from 10% of new home construction currently, to 40% after passing the Starter Homes Act. The median of these new starter homes would:

[4] Uncited figures in this report are based on AEI research that is unpublished prior to this report.

- Be valued about 3.4 times Florida's median county-based household income.
- Have a lot size of 2,500 sq. ft., with 1,400 sq. ft. of living area (3 bedrooms).

We recommend a minimum lot size of 2,500 sq. ft. for single-family detached homes and 1,000 sq. ft. for townhomes, for two key reasons. First, there would not be a significantly higher number of new starter homes built if the minimum lot size were even smaller than these numbers. For example, if Florida set no minimum lot size at all for single-family detached homes and townhomes, the number of new starter homes built would only be a few percent more than the number built under the standards that we recommend. Second, setting minimum lot sizes higher than 2,500 sq. ft. for single-family detached homes or higher than 1,000 sq. ft. for townhomes would significantly reduce the potential construction of new starter homes. For example, setting a 3,000 sq. ft. minimum lot size for both single-family detached homes and townhomes would cut new starter home construction in half compared to the standards that we recommend.

The Key Role Played by Land Cost



The table above shows, for new single-family homes built from 2015-2024, the relationship between lot size (x-axis), land cost (y-axis), and each cell shows the median home value, ratio of home value to the county median income (price to income ratio), gross living area (GLA), number of bedrooms, and number of homes (n-count). The overall relationship from the upper right corner to the lower left is clear at a glance: as lot size and land cost decline, homes become more affordable with a lower home value, a lower price to income ratio, and less living area, yet homes on smaller lots are still family-sized with about 3-bedrooms. In short, starter homes begin with smaller lots on less expensive land, and end up with a median living area of 1,100 sq. ft. to 1,700 sq. ft., with a median price of $200,000 to $300,000.

Rules That Constrict the Development of Starter Homes

A plethora of local regulations makes starter homes difficult to build in most of Florida. Each rule can sound reasonable in isolation, but in combination, they work to make the construction of starter homes illegal in most areas, and cost prohibitive where legal.

Minimum lot size

A minimum lot size is the smallest area of a lot on which a local government will allow a home to be built. If a local government requires a minimum lot size of 10,000 sq. ft. (around 0.25 acres), then it is illegal to build a new home on a new lot that is less than 10,000 sq. ft, even if a family prefers a smaller lot or cheaper home. Local governments often use equivalent requirements, such as minimum lot dimensions for width and depth, that also dictate the minimum area of a lot.

Consider a new subdivision of five acres. To be conservative about the number of new homes, assume that around half of the new subdivision is used for streets, sidewalks, and stormwater retention, while the other half is used for new homes. A 3,000 square foot minimum lot size would enable a homebuilder to construct at least 36 starter homes in this new subdivision, versus around 11 more expensive homes if the minimum lot size were 10,000 sq. ft.

Minimum lot size also interacts with an existing lot's size. Consider a vacant lot in an urban area. If the lot is 16,000 sq. ft, and the minimum lot size is 10,000 sq. ft, then it is illegal to split the 16,000 square foot lot into two lots of 8,000 sq. ft. Instead, if the minimum lot size were 4,000 sq. ft, then the property owner could split the 16,000 square foot lot into up to four lots of 4,000 sq. ft. This would dramatically reduce the land cost per lot, allowing for the construction of four lower-priced homes where previously only one higher-priced home could be built.

Over time, existing lot sizes and minimum lot sizes for new lots, and single-family detached only zoning, have all made land scarce and expensive. This has constrained the housing supply. Land prices have risen, along with land shares. Land share is the percentage of a home's value that is attributable to the land, rather than the structure of the home itself. By 2024, every major Florida metro area had a land share above 50%, with most above 60%.[5] Land shares are the highest in older areas that are zoned for only single-family detached homes and are composed of older homes on large lots. Since single-family detached homes are the only legal use in these areas, land shares there are often above 70%. If a property owner buys one of these older homes, say on a 16,000 square foot lot, then to make a profit and bring the land share down to around 30%, the homebuilder will likely demolish the older home to build a larger and more expensive home. Alternatively, if the local government allowed the property owner to split the 16,000 square foot lot into four lots that are each 4,000 sq. ft, then the homebuilder would be able to build four less expensive homes on four lots instead of building one large and more expensive home on one lot. And for the same reasons, if the land share and minimum lot size are high for empty land near a city, then a homebuilder will likely build large and

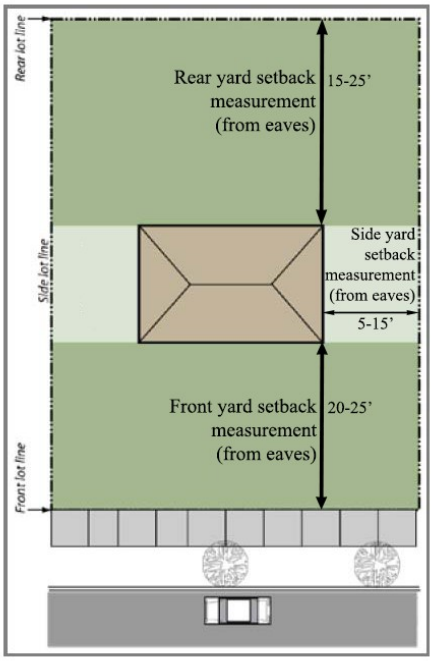
[5] AEI Housing Center. "Land Price and Land Share Indicators." *AEI Housing Center*, 3 Sept. 2025, https://www.aei.org/housing/land-price-indicators/.

expensive homes in a new subdivision on that land, but they would rather build more starter homes in that subdivision if the minimum lot size were lower.

The population-weighted average minimum lot size requirement is 12,165 sq. ft. across Florida cities, and 18,826 sq. ft. across Florida counties.[6] Since the median lot size of homes built in new Florida subdivisions from 2015 to 2024 was 6,500 sq. ft., many of these new subdivisions were planned unit developments (PUDs) or master-planned zoning, which are a form of discretionary approval that avoids minimum lot sizes; we will explain the downsides of discretionary approval later on.

The most effective way to allow more starter homes is to reduce minimum lot sizes, as shown by cities and states across the country that we discuss later in this report:

- Philadelphia cut its minimum lot size from 960 sq. ft. to 800 sq. ft. for certain lots and has allowed homes on even smaller lots for centuries.
- Houston cut its minimum lot size from 5,000 to 1,400 sq. ft.
- Austin cut its minimum lot size from 5,750 to 1,800 sq. ft.
- Gainesville cut its minimum lot size from as much as 8,500 sq. ft. to 3,000 sq. ft.
- Idaho requires its largest cities to cut minimum lot sizes to 1,500 sq. ft. for new subdivisions that are greater than 4 acres.



- Texas requires its largest cities to cut minimum lot sizes to 3,000 sq. ft. for new subdivisions that are greater than 5 acres.
- Kansas requires every city and county to cut minimum lot sizes to 3,000 sq. ft. for new homes under 2,500 sq. ft.
- Maine requires every city to cut minimum lot sizes to 5,000 sq. ft. for certain lots.

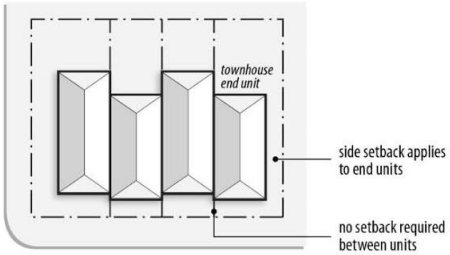
Minimum setbacks

A setback is the distance that a building must be from its lot lines, including the front, sides, and rear. For example, if there is a 25-foot front setback for a lot, then a building cannot be closer than 25 feet from the front

[6] Bartik, Alexander, Arpit Gupta, and Daniel Milo. "The Costs of Housing Regulation: Evidence from Generative Regulatory Measurement." *SSRN*, 19 Aug. 2025, ssrn.com/abstract=4 627 587.
Daniel Milo provided the Florida calculations directly to the authors of this report, and for a map of all of his and Professor Gupta's Florida data, see here: www.thezoningproject.org/#stats.

lot line. This requirement forces property owners and homebuilders to buy larger lots to build the same sized home.

In the example diagram to the left,[7] we can say for simplicity that the lot is 80 feet wide between the side lot lines and 80 feet deep between the front and rear lot lines, meaning the lot has an area of 6,400 sq. ft. We can also say there is a 15-foot setback requirement from the side lot lines to create the side yards, and a 25-foot setback requirement from the front and rear lot lines to create the front and rear yards. This means that the buildable area, where the home is shown, is only 50 feet wide and 30 feet deep, totaling 1,500 sq. ft. Due to minimum setback requirements, the 6,400 square foot lot area is more than four times the 1,500 sq. ft. of buildable area. Alternatively, if the front setback were 15 feet, the side setbacks were 5 feet, and the rear setback were 10 feet, then the property owner or homebuilder would only need a 3,300 square foot lot in order to have the 1,500 sq. ft. of buildable area, almost half the size of the 6,400 square foot lot that the local government is requiring due to its 25-foot front and rear setbacks and its 15-foot side setbacks.



Minimum setback requirements also make townhomes illegal in most single-family zones. As shown in the example diagram to the left, a property owner or homebuilder can only build townhomes if the local government allows zero feet of side setbacks between each townhome, since this allows one townhome to share walls with the two townhomes on each of its sides. The diagram also demonstrates how townhomes traditionally have small front and rear setbacks, so that the townhome takes up a significant share of the area of the lot.[8] Most local governments in Florida require side setbacks, and large front and rear setbacks, that make townhome development illegal for most residential lots, even though townhomes are often the most attainable starter home for working families. We recommend statewide standards for minimum setbacks of no greater than a 15 foot front setback, 10 foot rear setback, and 0 foot side setbacks to enable single-family detached homes and townhomes on smaller lots. Property owners and homebuilders could still choose to build homes with larger front, rear, or side lawns, and smaller minimum setbacks will give them the flexibility to build on smaller lots if they choose.

[7] "How to Properly Measure Your Setback." *Village of Yellow Springs, Ohio*, www.yellowsprings.gov/egov/apps/document/center.egov?view=item;id=2066.
[8] "Citywide Housing Zoning Code Amendments." *Tulsa Planning Office*, 9 Apr. 2021, tulsaplanning.org/docs/housing/2021-04-09-Housing-Zoning-Amendments.pdf.

Minimum frontage and minimum width



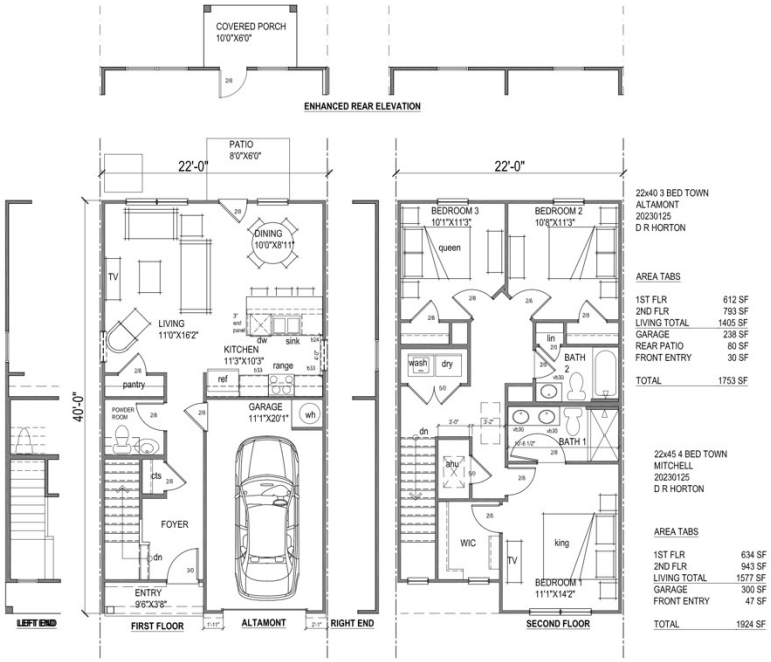
Minimum frontage is the minimum width or depth that a lot must have along a public right-of-way, such as a public road. A cottage court is a group of homes that surround a shared space or courtyard, instead of each home being along a public right-of-way. Minimum width is common in addition to, or instead of, minimum frontage.

For example, the diagram above shows a typical cottage court with 12 homes that surround an open space.[9] Imagine a local government required that new homes have a minimum frontage of 100 feet along a public street. Homes 1 to 4 in this diagram only have 30 feet of frontage along the public street, and homes 5 to 12 have no frontage along the public street because they front and abut the open space instead, so every home in this cottage court would be illegal to build. Similarly, it is common to build townhomes on lots that are 30-feet-wide or less, which is illegal if the minimum frontage or minimum width is greater than 30 feet. Hence minimum frontage and minimum width requirements often make cottage courts and townhomes illegal, even if these homes comply with a local government's minimum lot size and setback requirements. We recommend statewide standards for a minimum frontage of no greater than 20 feet for lots that are along a public right-of-way, and no minimum frontage requirement for lots that front or abut a common space, like in a cottage court. We also recommend statewide standards for a minimum width of 20 feet. And as shown in the example diagram in the minimum parking section below, 20-foot-wide townhomes can still fit a one-car garage, 3 bedrooms, and 2.5 bathrooms, so these homes are family sized, and as previously mentioned, a property owner or homebuilder could still choose to construct a larger home on a wider lot instead.

Minimum parking

A minimum parking requirement is the number of off-street parking spaces (including in a garage) that a local government requires for each home, regardless of how many cars the residents actually own. Each required space takes up around 330 sq. ft. of land once the driveway or maneuvering area is included,[10] so in order to build a starter home with the same living area but two parking instead of one, the property owner or homebuilder must pay significantly more for a larger lot to fit the extra parking space.

[9] Dravis, Stephen. "Williamstown Planning Board Talks 'Cottage Court' Bylaw." *iBerkshires*, 24 Jan. 2023, www.iberkshires.com/story/70 685/Williamstown-Planning-Board-Talks-Cottage-Court-Bylaw.html. The cottage court diagram is from the City of Ashland, Oregon, as presented to the Williamstown Planning Board.
[10] Shoup, Donald. *The High Cost of Free Parking*. Updated ed., Planners Press, 2011.



On a small lot with a townhome, minimum parking requirements often force a garage to take up most of the ground floor, adding construction cost and subtracting living space.[11] In the example to the left of a one-car-garage townhome built in Florida, it is a starter home with 3 bedrooms, 2.5 bathrooms, and 1,405 sq. ft. of living area. Florida's local governments, such as the City of Miami, often make townhomes like this illegal by requiring two or more parking spaces for every single-family home.[12] For the same size building footprint, the townhome in the diagram would need one less bedroom and one less bathroom to fit an extra car in the garage, making it less suitable for a family with children.

We recommend statewide standards of no greater than one parking space required per home. This lets families buy starter homes with a one-car garage and a smaller driveway, and it still allows families to buy homes with two-car garages if they want to.

Maximum height

A maximum height limit caps how tall a home may be, usually in feet or stories. For a smaller lot in or near a major city where land is expensive, family-sized townhomes are often three stories, but in Miami-Dade County, most new homes can only be two stories unless a greater height is approved at a public hearing.[13] We recommend statewide standards that enable starter homes to be up to three stories or 35 feet, so family-sized townhomes are possible to build on smaller lots in Florida's largest cities.

Discretionary approval processes

A discretionary approval process requires a proposed home to win case-by-case approval, such as a rezoning, a special exception, a variance, or a public hearing, instead of being approved

[11] Sightline Institute. "In Mid-Density Zones, Portland Has a Choice: Garages or Low Prices?" 2 Oct. 2019, www.sightline.org/2019/10/02/in-mid-density-zones-portland-has-a-choice-garages-or-low-prices; Sightline Institute. "Unlock Middle Housing with Parking Reform." 18 Mar. 2024, www.sightline.org/2024/03/18/unlock-middle-housing-with-parking-reform (on lots of 7,500 sq. ft. or smaller, fitting the required off-street parking often makes multiple homes physically impossible).
[12] City of Miami. "T3 Single Family Homes: Frequently Asked Questions." *Miami 21*, www.miami21.org/pdfs/miami21_faq_singlefamily_080 228.pdf.
[13] *Code of Miami-Dade County, Florida*, sec. 33-52. Municode, library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances.

administratively when it meets written standards. Each hearing adds months of delay, thousands of dollars in costs, and the risk of denial for reasons unrelated to any objective standard. Across Florida, property owners and homebuilders often must hire local land use attorneys, planners, engineers, and even lobbyists in each jurisdiction where they build.[14] Because a starter home has thin margins to begin with, discretionary review pushes property owners and homebuilders toward the expensive homes that can absorb these costs. The statewide standard that we recommend for starter homes in Florida is by-right approval; if a proposed home complies with the written rules, it should be approved without a public hearing.

Impact fees

Impact fees are one-time charges meant to offset a new home's burden on infrastructure such as roads, schools, and parks. In the 2021 fiscal year, Florida local governments collected $1.8 billion in impact fees, often much more than required for the cost of infrastructure. For example, Florida TaxWatch found each new single-family detached home between 2,000 and 2,499 sq. ft. in Orange County required almost $27,000 in impact fees.[15] The Legislature capped the pace of increases in 2021, generally limiting increases to 50% every four years, but the underlying fee levels remain a meaningful share of a starter home's price.[16] Because impact fees are largely flat per home regardless of size, they take up a far larger share of the price of a starter home than for a more expensive home. One key reform for Florida would be to charge impact fees per square foot, rather than per home, in order to reduce the burden on starter homes.

Aesthetic design standards

Aesthetic design standards dictate how a home must look, such as requiring masonry or brick exteriors, minimum roof pitches, garage placement rules, or articulation of the front facade. These rules prevent homebuilders from using simpler designs that fully comply with the building code, adding a cost of $16,117 for a $499,500 home, or a cost of $11,293 for a $350,000 home, without any health or safety benefit.[17] Florida must strengthen reforms that it adopted under Section 163.3202(5) of Florida Statutes, which restricts when local governments are allowed to impose regulations relating to building design elements (aesthetic design standards) for single-family homes and duplexes.

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[14] Gardner, Charles, and Jacob Cremer. "How to Streamline Housing Permitting in Florida." *Mercatus Center*, George Mason University, 3 Dec. 2024, www.mercatus.org/research/policy-briefs/how-streamline-housing-permitting-florida.

[15] "The Impacts of Impact Fees on the Cost of Housing." *Florida TaxWatch*, Apr. 2023, floridataxwatch.org/the-impacts-of-impact-fees-on-the-cost-of-housing/.

[16] *Florida Statutes*, sec. 163.31801, 2025, www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0163/Sections/0163.31801.html.

[17] Lynch, Eric. "Government Regulation in the Price of a New Home: 2026." *National Association of Homebuilders*, June 2026, www.nahb.org/-/media/NAHB/news-and-economics/docs/housing-economics-plus/special-studies/2026/special-study-government-regulation-in-the-price-of-a-home-june-2026-updated.pdf.

Maximum lot coverage and minimum open space or permeable surface

Maximum lot coverage is the maximum percentage of a lot's area that may be covered by buildings, which usually does not include a driveway or other pavement. However, local governments often pair lot coverage with a separate minimum open space or minimum permeable surface requirement, which is the minimum percentage of a lot's area that is not buildings, driveways, or pavement. Together, these rules limit the percentage of a lot's area that can be built on, so property owners and homebuilders are forced to buy a larger lot to build the same sized home, increasing costs similar to minimum lot size and minimum setback requirements.

One major justification for maximum lot coverage is to reduce stormwater runoff, because buildings, driveways, and pavement do not absorb stormwater. However, Florida was the first state in the country to adopt a rule requiring that stormwater be treated for all new development after 1982 to remove at least 80% of pollutants, which reduces the risks of stormwater runoff.[18] Under another statewide environmental program that grew out of that 1982 rule, new development must also meet flood control standards through the water management districts, regardless of what a zoning code says about lot coverage. With other rules to protect the environment and prevent flooding, maximum lot coverage requirements needlessly drive-up land costs and often make starter homes cost prohibitive. Hence, we recommend a statewide standard of requiring that no greater than 30% of a lot be open space or permeable surface.

Minimum living area

Minimum living area is the minimum gross living area that a home must have. For example, in Winter Gardens the minimum living area for most single-family homes is 1,800 sq. ft,[19] and in Satellite Beach the minimum living area for most single-family homes is 1,850 sq. ft.[20] As mentioned at the beginning of this report, the median starter home built in Florida from 2015-2024 had 1,500 sq. ft. of living area (around 3-bedrooms), demonstrating how these provisions make it illegal to build perfectly acceptable 3-bedroom starter homes in some Florida cities. We recommend a statewide standard of no minimum living area requirements, except as required by Florida Building Code and Florida Fire Prevention Code for health and safety reasons. This would give homebuyers the choice of two bedrooms instead of three bedrooms, three bedrooms instead of four bedrooms, etc.

[18] "ERP Stormwater." *Florida Department of Environmental Protection*, 30 May 2024, floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/erp-stormwater.
[19] "Winter Garden, FL Zoning Ordinance." *Zoneomics*, 2026, www.zoneomics.com/code/winter-garden-FL/chapter_4.
[20] "Satellite Beach, FL Zoning Ordinance." *Zoneomics*, 2024, www.zoneomics.com/code/satellite-beach-FL/chapter_4. Accessed [date].

Barriers to Infill Development

Most new housing in Florida is built in new subdivisions that are outside of cities. These homes are generally more affordable to rent or buy than new homes built in cities, because the land is less expensive outside of cities. This forces working families to commute further to their jobs and amenities. The most effective way to make housing more affordable close to jobs and amenities within a city is urban infill, meaning new homes on lots inside existing neighborhoods. Existing streets, water and sewer connections also lower the infrastructure costs for infill than when building homes in new subdivisions, and infill has less effect on rural and agricultural land.

The opportunity is enormous, since the AEI Housing Center estimates that allowing urban infill through lot splits and more dwelling types on existing lots would add about 45,000 homes per year in Florida, compared to around 60,000 homes in new subdivisions under the Starter Homes Act that we recommend. However, these estimates are not directly comparable, since the methodology for new subdivisions is more updated than for the infill. Also, most infill development would not be starter homes; new infill homes are more affordable than the alternative of building a larger and more expensive home, and they are less likely to be a starter home compared to homes on small lots in new subdivisions, because even a small lot is often expensive in a city when it is in a prime location near jobs and amenities. Still, infill development indirectly allows more people to buy a starter home through a process called filtering, because infill development allows homeowners in less expensive homes to move into homes that are closer to jobs and amenities, which then frees up that less expensive home to others who are looking to buy their first home.

All of the rules described in the previous sections prevent starter homes from being built in both new subdivisions and urban infill throughout most of Florida. However, infill often faces more barriers than new subdivisions. A new subdivision is platted on vacant land, so a large homebuilder can spread regulatory costs across hundreds of lots. Infill happens gradually, one lot at a time, usually by small-scale homebuilders. A requirement that is manageable for a 100-lot subdivision can make a five-townhome infill project cost prohibitive on its own. Infill also faces barriers for lot splits, which are not applicable to new subdivisions.

Restrictions on lot splits

Most homebuilders can make a larger profit, with a lower risk, from four starter homes than from one large and expensive home. Consider a homebuilder that bought an older home on a 16,000 square foot lot for $500,000. With a 70% land share, the homebuilder paid $350,000 for the lot and $150,000 for the structure of the older home. If the homebuilder were to demolish the older home to build a larger and more expensive home and bring the land share down to 30% with the same $350,000 lot, then the new home would sell for around $1,170,000. However, if the homebuilder could split the 16,000 square foot lot into four lots that are each 4,000 sq. ft, then the same land becomes more valuable, because land derives its value from the homes that can legally be built on it. The AEI Housing Center estimates that each additional home that can

legally be built on a parcel raises the parcel's land price by about 5%,[21] so three additional homes raise the $350,000 lot's value by about 15%, to roughly $400,000, which is $100,000 when split into four lots. If the property owner built one new starter home on each of the four lots, with the same 30% land share on each $100,000 lot, then each of the new starter homes would sell for around $330,000. Therefore the four starter homes would sell for a combined $1,320,000, roughly $150,000 more than the one larger and more expensive home from the same land. Hence most homebuilders would rather construct the four starter homes, which are also easier to sell, because they are more affordable for middle-class families buy compared to one large and expensive home that only upper-class families can afford.[22]

One Expensive Home vs. Four Starter Homes on the Same 16,000 Square Foot Lot

Outcome	One Large and Expensive Home	Four Starter Homes
Homes built	1	4
Sale price per home	About $1,170,000	About $330,000
Total sales from the same land	About $1,170,000	About $1,320,000
Who can afford to buy	Upper-class families	Working-class families

When infill occurs in desirable locations near jobs and amenities in Florida's medium to high population counties, the land cost for infill lots will generally be higher than the $500,000 in this example. And when infill occurs near jobs and amenities in smaller counties with a lower median household income, such Highlands County with a $55,000 median household income,[23] a $330,000 is 6.0 times the median household income and is therefore not a starter home. The point stands that the four new infill homes will be more affordable than the larger and more expensive home.

Even where zoning allows smaller lots, the process for creating them can be prohibitive. Most Florida local governments treat splitting one lot into four lots as a subdivision requiring a full plat or replat, with surveys, engineering submittals, multiple review cycles, and approval by the governing board at a public hearing. A small homebuilder who wants to split one large lot into four smaller lots faces much of the same process as a large homebuilder platting a hundred-lot subdivision, which can take a year or more before any infill homes are built. Houston's by-right platting process allowed for tens of thousands of new starter homes,[24] and the best practice for Florida is to approve lot splits by right for lots near jobs and amenities in cites, without requiring a new plat.

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[21] "Estimating Light-Touch Density's Housing Supply Potential: Methodology." *AEI Housing Center*, Jan. 2025, www.aei.org/wp-content/uploads/2025/02/LTD-Conversion-Estimates-Methodology-Jan.-2025-final.pdf.
[22] Peter, Tobias. "The Opportunity Cost of McMansionization in the Los Angeles Metro." *American Enterprise Institute*, 19 Sept. 2024, www.aei.org/articles/the-opportunity-cost-of-mcmansionization-in-the-los-angeles-metro/.
[23] "QuickFacts: Highlands County, Florida." *U.S. Census Bureau*, https://www.census.gov/quickfacts/fact/table/highlandscountyflorida/PST045 225
[24] Hamilton, Emily. "Learning from Houston's Townhouse Reforms." *Mercatus Center*, George Mason University, 11 Apr. 2023, www.mercatus.org/research/policy-briefs/learning-houstons-townhouse-reforms; Gray, M. Nolan, and Jessica McBirney. "Liberalizing Land Use Regulations: The Case of Houston." *Mercatus Center*, George Mason University, 17 Aug. 2020, www.mercatus.org/research/policy-briefs/liberalizing-land-use-regulations-case-houston.

Best Practices at the State Level

Florida can follow in the footsteps of multiple states across the country that enacted starter homes reforms in 2025 and 2026, while also being guided by the latest research on best practices that are mentioned in this report.[25]

Starter Home Reforms Adopted by States

Law	Cities or Counties Included in the Scope	New Subdivisions or Existing Neighborhoods	Minimum Lot Size Requirement
Texas: SB 15 (2025)	Cities with 150,000+ population in counties with 300,000+ population	New subdivisions (5+ acres)	3,000 sq ft
Idaho: SB 1352 (2026)	Cities with 10,000+ population	New subdivisions (4+ acres)	1,500 sq ft
Kansas: SB 418 (2026)	All cities and counties	Both: all new single-family homes with less than 2,500 sq. ft.of livable floor area	3,000 sq ft
Maine: LD 1829 (2025)	All cities	Both: all residential lots served by public water and sewer	5,000 sq ft
California: SB 9 (2021)	All cities and counties	Existing neighborhoods: single-family urban lots	1,200 sq ft

Texas

Texas enacted Senate Bill 15 (SB 15) in 2025, becoming one of the largest states in the country to adopt starter home reforms. The bill limited the minimum lot size that local governments may require to at most 3,000 sq. ft. for lots in new subdivisions of at least five acres in cities with more than 150,000 population that are in counties with more than 300,000 population.[26] For lots that are 4,000 sq. ft. or less, the bill also limited the minimum setback requirements to at most 15 feet from the front, 10 feet from the rear, and 5 feet from the sides of a lot, limited the minimum parking requirement to at most one space per dwelling unit, limited the minimum open-space or permeable surface requirement to at most 30%, limited the minimum width requirement to 30 feet, prohibited local governments from requiring covered parking or off-site parking, and prohibited local governments from imposing a maximum height of fewer than three stories. SB 15 also includes a private right of action that lets any aggrieved person or housing organization sue a local government in violation of SB 15, and a prevailing claimant can recover attorney's fees, meaning a successful property owner or homebuilder can recover attorney’s fees but not a successful local government. This reduces the risk for small-scale property owners and homebuilders who struggle to hire attorneys when a local government does not allow them to construct starter homes.

[25] "State Housing Supply Legislative Tracker." *AEI Housing Center*, aeihousingcenter.org/static/policy-tracker/.
[26] Texas, Legislature, Senate. *Senate Bill 15*. Texas Legislature Online, capitol.texas.gov/BillLookup/History.aspx?LegSess=89R&Bill=SB15. 89th Legislature, Regular Session, 2025, effective 1 Sept. 2025; codified at *Texas Local Government Code*, secs. 211.051–211.058.

Idaho

Even though Idaho is one of the least densely populated states in the U.S., it became the second least affordable housing market in the nation in 2024,[27] with only about 5.6% of Idaho's homes being attainable for a first-time buyer who earned $75,000 in 2025.[28] In response, Idaho enacted Senate Bill 1352 in 2026, which was the most transformative starter homes reform of any state in the country. The bill limited the minimum lot size that local governments may require to at most 1,500 sq. ft. for new subdivisions of at least four acres in cities with more than 10,000 population. These cities are where over 60% of Idahoans live.[29] The bill also limited the minimum setback requirements to at most 15 feet from the front or rear and 5 feet from the sides, limited minimum lot width to 30 feet, and bars cities from charging starter home subdivisions higher permit, impact, or utility connection fees than other single-family subdivisions.

Kansas

Kansas enacted Senate Bill 418, the By-Right Housing Development Act, in April 2026 with broad bipartisan support. Unlike the Texas and Idaho reforms, the Kansas law contains no population threshold; it applies to all cities and counties. For new construction of a single-family home that have less than 2,500 sq. ft. of living area, the bill limited the minimum lot size that local governments can require to 3,000 sq. ft, subject only to "reasonable" setback requirements, and required that local governments allow single-car garages, one side of architectural finish, and construction under the 2018 International Residential Code.[30] The law defines a single-family home to include a duplex, and it pairs these standards with by-right approval, including for projects with up to 12 townhomes. The law also treats all residentially zoned land within a city as zoned for single-family use and requires that local governments allow one-car garages.

Maine

Maine enacted LD 1829 in June 2025 after enacting other recent housing reforms. For any residential lot served by public water and sewer, the law caps the minimum lot size that a city may require at 5,000 sq. ft, and it pairs that cap with limits on how much lot area a city can demand per dwelling unit. Unlike the Texas and Idaho reforms, which apply only in larger cities, Maine's cap applies in every city.[31]

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[27] Mohammed, Omar. "Two Republican States' Housing Markets Are Least Affordable in the Country." *Newsweek*, 20 May 2024, www.newsweek.com/two-republican-states-housing-markets-are-least-affordable-country-1 902 494.
[28] Carmel, Margaret. "Only 5% of Idaho Homes Affordable to Middle-Income Buyers." *BoiseDev*, 27 Oct. 2025, boisedev.com/news/2025/10/27/middle-income-home/.
[29] Conde, Hollie. "Idaho's Big Housing Breakthrough Year." *Sightline Institute*, 29 Apr. 2026, www.sightline.org/2026/04/29/idahos-big-housing-breakthrough-year/.
[30] Kansas, Legislature, Senate. *Senate Bill 418*. Kansas Legislature, kslegislature.gov/li/b2025_26/measures/sb418/. 2025–2026 Regular Session, signed by Governor Laura Kelly 7 Apr. 2026.
[31] Maine, Legislature. *An Act to Build Housing for Maine Families and Attract Workers to Maine Businesses by Amending the Laws Governing Housing Density*. Maine Legislature, legislature.maine.gov/legis/bills/display_ps.asp?LD=1829&snum=132. 132nd Legislature, 1st Special Session, LD 1829 (HP 1224), signed 20 June 2025, Public Law 2025, ch. 385.

California (a cautionary example)

California shows how starter home reform fails when it is loaded with poison pills. Senate Bill 9 (SB 9), enacted in 2021, allows duplexes and lot splits by right on most single-family lots, but required every lot split applicant to sign an affidavit promising to live on the property for three years, and it allowed local governments to impose fees and aesthetic design standards. This meant that if a retired senior wanted to split their lot, built two new homes, and move to another neighborhood, then even if two new homebuyers wanted to move in, it was illegal under SB 9. Out of 6.1 million eligible parcels statewide, only 266 projects using SB 9 had been permitted or completed by the end of 2023.[32] Affidavit requirements prevented small homebuilders from using the law, and some jurisdictions charged lot split application fees of $30,000 to $50,000 and utility connection fees of $50,000 to $100,000, making projects cost prohibitive.[33] Florida's Legislature must avoid these poison pills for a Starter Homes Act to succeed.

2026 Florida Starter Homes Act

In the 2026 session, Senate Bill 948, which contained the proposed Florida Starter Homes Act, and its House companion, House Bill 1143, would have limited minimum lot size requirements for Florida's cities and counties to 1,200 sq. ft. for lots connected to public water and sewer, limited minimum setback requirements to at most 20 feet from the front, 10 feet from the rear, and zero feet from the sides, limited the minimum parking requirement to one space per dwelling unit, limited the minimum open-space or permeable surface requirement to at most 30%, and allowed lot splits by right. The bill passed through one State House and one State Senate committee and died in succeeding committees. After learning lessons from this 2026 legislation, we recommend that the Florida Legislature introduce a Starter Homes Act that aligns more closely with this report in 2027 and focuses on new subdivisions, while filing a separate bill that allows lot splits by right near jobs and amenities in cities.[34]

[32] Garcia, David, and Muhammad Alameldin. "California's HOME Act Turns One: Data and Insights from the First Year of Senate Bill 9." *Terner Center for Housing Innovation*, University of California, Berkeley, Jan. 2023, ternercenter.berkeley.edu/research-and-policy/sb-9-turns-one-applications/.

[33] "Missing No Longer? Taking Stock of Local and Statewide Missing Middle Reforms." UC Berkeley Center for Community Innovation with University of Texas, Austin, 2024, www.aducalifornia.org/wp-content/uploads/2024/12/Missing-No-Longer.pdf.

[34] Florida, Legislature, Senate. *Senate Bill 948*. Florida Senate, www.flsenate.gov/Session/Bill/2026/948. 2026 Regular Session, died in Judiciary 13 Mar. 2026; House companion *House Bill 1143* (Rep. Nix), www.flsenate.gov/Session/Bill/2026/1143.

2026 Florida Infill Redevelopment Act

In the 2026 session, Senate Bill 1434, the Infill Redevelopment Act, was signed into law on May 21, 2026, creating Section 163.2525, Florida Statutes.[35] A qualifying parcel must be at least five acres, adjacent to residentially zoned parcels, inside the urban development boundary, environmentally impacted, , and it must lie in a county with more than 1.475 million residents and at least 15 cities. Only Miami-Dade, Broward, and Palm Beach counties meet those thresholds.[36] Environmentally impacted land includes most golf courses within the three counties, because golf courses are almost always larger than five acres, and decades of pesticide and herbicide use on golf courses typically leave arsenic and other contaminants above residential cleanup levels.[37]

For qualifying parcels, a local government must allow residential development up to the lesser of the average density of the adjacent residential zoning districts or 25 homes per acre, must approve a complying application administratively (without public hearings), and must approve the subdivision of the parcel administratively as well. The potential supply of land is substantial; Palm Beach County alone has more than 150 golf courses, Broward and Miami-Dade have roughly 40 or more each, and a typical 18 hole course covers about 170 acres, which totals around 50,000 acres across the three counties.[38] However, a golf course that is surrounded by single-family homes must have been closed for at least 12 consecutive months before the bill allows homes to be built on it.

The Infill Redevelopment Act's scope is deliberately narrow, only applying to large and contaminated parcels in three counties. But it still requires administrative approval for starter homes in parts of major Florida metro areas. Instead of only approving new homes on environmentally impacted parcels, the Florida Legislature should pass a bill that requires local governments to approve lot splits by right, near jobs and amenities in cities, which would allow relatively more affordable homes to be built in these cities.

Best Practices at the Local Level

Decades of experience by major cities across the country shows how starter homes reform can make homeownership and renting more affordable for working families.

Starter Home Reforms Adopted by Cities

Ordinance	Cities or Counties Included in the Scope	New Subdivisions or Existing Neighborhoods	Minimum Lot Size Requirement

[35] Florida, Legislature, Senate. *CS/CS/SB 1434: Infill Redevelopment Act*. Florida Senate, www.flsenate.gov/Session/Bill/2026/1434. 2026 Regular Session, signed 21 May 2026, *Laws of Florida*, ch. 2026-84; codified at *Florida Statutes*, sec. 163.2525.

[36]

[37] "Florida's Infill Redevelopment Act (Senate Bill 1434) Signed into Law by Governor DeSantis: Unlocking Infill Residential Development in South Florida." *Day Pitney*, 1 June 2026, www.daypitney.com/floridas-infill-redevelopment-act-senate-bill-1434-signed-into-law-by-governor-desantis-unlocking-infill-residential-development-in-south-florida.

[38] "Sparks Flare over Florida Law to Target Idle Golf Courses for Housing." *HousingWire*, 7 May 2026, www.housingwire.com/articles/sparks-flare-over-florida-law-to-target-idle-golf-courses-for-housing.

Houston, TX: 1998, 2013	City of Houston	Both: all single-family lots with wastewater service	1,400 sq ft
Philadelphia, PA: longstanding zoning	City of Philadelphia	Existing neighborhoods: all rowhouse lots	800 sq ft
Austin, TX: HOME Phase 1 (2023) and Phase 2 (2024)	City of Austin	Both: most single-family lots	1,800 sq ft
Gainesville, FL: 2024	City of Gainesville	Both: all single-family lots	3,000 sq ft

Houston

While Houston has no conventional zoning (it does not separate the city into residential, commercial, and industrial districts), it does regulate development through city ordinances and private deed restrictions. Over time, minimum lot size became the biggest constraint when determining what housing could be built.

Before 1998, Houston required a minimum lot size of 5,000 sq. ft. for detached houses and 2,500 sq. ft. for townhomes, preventing most starter homes from being built on smaller lots. But in 1998, Houston cut the minimum lot size to 1,400 sq. ft. for lots within the city's urban core, encircled by the Interstate 610 loop highway, known as "the Loop." This allowed landowners to split one 5,000 square foot lot into three smaller lots, allowing three starter homes to be built where previously only one more expensive home could be built.[39] However, as noted earlier, actual lot sizes operate along with minimum lot size to constrain the creation of smaller lots. For homes built in "the Loop" prior to 1950, the average single-family detached home has a lot size of about 7,000 sq. ft. With the 5,000 square foot minimum lot size, the average lot would not qualify for a lot split. But under the new minimum, a 7,000 square foot lot could be split into five smaller lots. For single-family homes built in 2000 or later, the average lot size became 4,500 sq. ft.

Fifteen years later, in 2013, Houston extended the 1,400 square foot minimum to the rest of the city, wherever wastewater service was available, which was around 600 square miles. However, Houston continued to let individual neighborhoods opt out of the new minimum lot size, and it still required two off-street parking spaces for each single-family home, limiting the scope of the reform.[40]

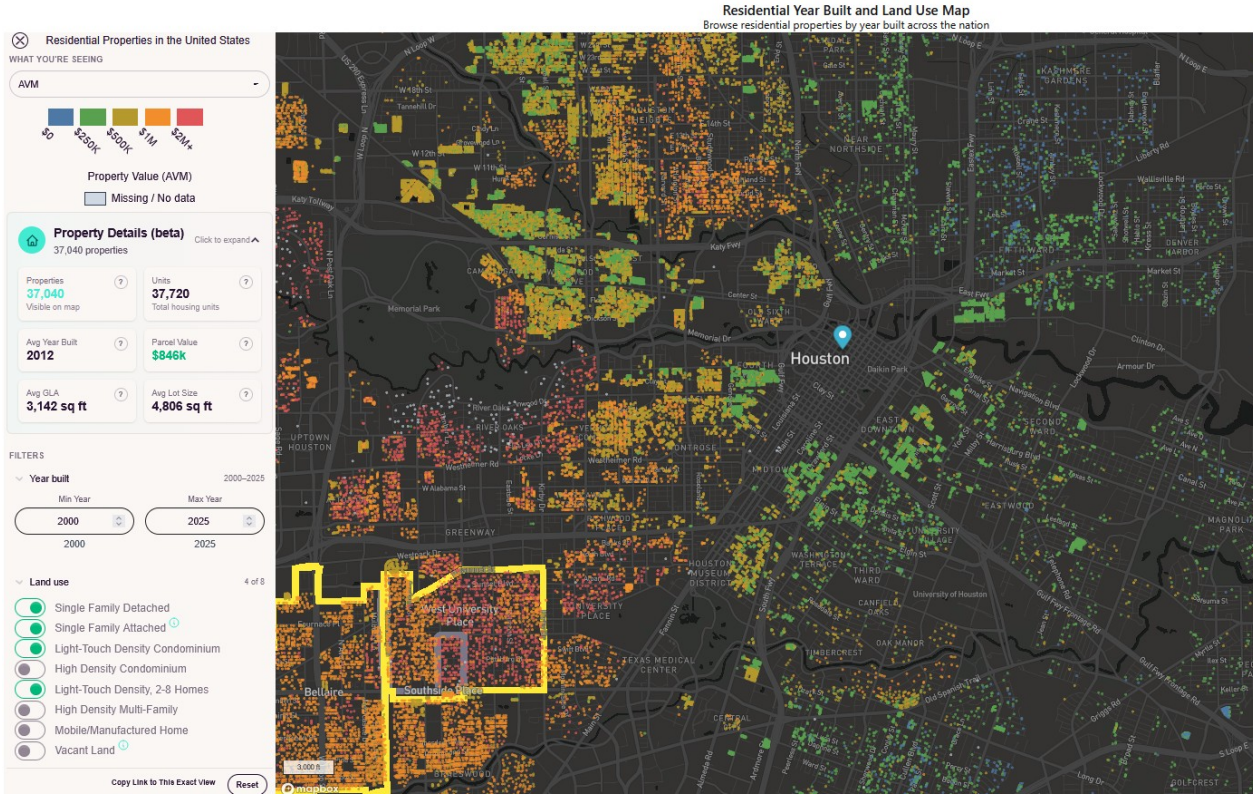
The results were still significant in improving housing affordability. Houston added thousands of starter homes that would have previously been illegal, with the AEI Housing Center estimating that 17,300 townhomes were built on lots averaging 1,900 sq. ft. between 1998 and 2023. These new townhomes were more affordable for working families to buy or rent, priced at a median value of $340,000 in 2020, compared to a median price of $545,000 for new single-family detached homes. Notably, the reform did not cause Houston home prices to fall; prices of existing homes continued to grow with the metro area. What changed is that new townhomes gave working families a far less expensive option than new detached homes, and

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[40]Hamilton, "Learning from Houston's Townhouse Reforms"; Gray and McBirney, "Liberalizing Land Use Regulations"; Martin, "Houston, We Have a Solution."

the added supply helped keep Houston's overall prices and rents among the lowest of any large American metro.[41]

The map below illustrates this result by showing single-family detached and light-touch density (LTD) home types built from 2000 to 2025, along with their current property values.[42] In order of least to most expensive, the lots are colored blue, green, orange, or red. Homes outside of the City of Houston, bounded by a yellow line in the bottom left, are much more expensive than the homes shown in the rest of the map, which are all part of the City of Houston. The difference is that Houston lowered its minimum lot size, while the yellow-bounded area did not.



Houston allowed starter homes that are affordable to buy, which also kept rents comparatively low, so it cut homelessness by about 63% between 2011 and 2025, the largest reduction of any of the ten largest U.S. cities. Houston's homelessness rate is now around one-fifth of the national rate and the lowest among large American cities, which Pew Charitable Trusts attributes primarily to the construction of new housing.[43]

[41] Hamilton, "Learning from Houston's Townhouse Reforms"; Martin, "Houston, We Have a Solution."
[42] AEI Housing Center. "Residential Year Built and Land Use Map." https://heat.aeihousingcenter.org/toolkit/year_built_map
[43]"How States and Cities Decimated Americans' Lowest-Cost Housing Option." *Pew Charitable Trusts*, 17 July 2025, www.pew.org/en/research-and-analysis/issue-briefs/2025/07/how-states-and-cities-decimated-americans-lowest-cost-housing-option; "CFTH's 2025 Point-in-Time Count Results Highlight Shifts in Homelessness across Houston." *Coalition for the Homeless of Houston/Harris County*, 9 Sept. 2025, www.cfthhouston.org/2025-pit-results;

Philadelphia

From the early 1700s, Philadelphia housed its dock workers and tradespeople in "bandbox" or "trinity" row houses, a type of townhome that is around three stories tall and 600 sq. ft. per floor, allowing for an 1,800 square foot home on a small lot.[44] These starter homes were so common that they earned Philadelphia the nickname the "City of Homes." Between 1886 and 1891 the city added more homes than New York, Boston, and Baltimore combined, at a fraction of the cost per home due to the smaller lots.

Today, Philadelphia's row houses give it a homeownership rate of about 52%, far above major Northeast and Mid-Atlantic cities like D.C. (~40%), Boston (~35%), and New York (~30%).[45] Many Philadelphia row houses continue to sell for under $300,000, a nearly impossible price to find for homes in other major cities. Philadelphia's zoning still allows new starter homes to be built on lots as small as 700 sq. ft, with as low as 14-foot minimum widths. Its most common zoning district has no side setbacks (as is necessary in order to build row houses or townhomes), does not require any off-street parking, and allows up to three-story buildings with rear setbacks as low as 7 feet.[46]

Austin

Austin's HOME Phase 1 reform in 2023 allowed duplexes and triplexes on most single-family lots, and its HOME Phase 2 reform in 2024 cut the minimum lot size from 5,750 to 1,800 sq. ft. Phase 2 also implemented a minimum width of 15 feet, 10-foot front setbacks and 5-foot side and rear setbacks, and 5-foot side setbacks or 0 feet for townhomes. Prior to Phase 1, Austin also eliminated all minimum parking requirements citywide. In the first year after Phase 1, permits for new homes on single-family lots rose 86%, from 487 to 906, and the Austin Board of Realtors found that the homes allowed under Phase 1 sold for roughly half the price of traditional homes, even though most newly allowed homes had 3 bedrooms compared to 4 bedrooms for traditional homes.[47]

McLean, Danielle. "Inside Houston's Approach to Addressing Homelessness." *Smart Cities Dive*, 13 Dec. 2022, www.smartcitiesdive.com/news/inside-houston-homeless-system-housing-first-coordinated-care/638641/.

[44]"Row Houses." *The Encyclopedia of Greater Philadelphia*, Rutgers University, philadelphiaencyclopedia.org/essays/row-houses/.

[45]U.S. Census Bureau. "QuickFacts: Philadelphia City, Pennsylvania; District of Columbia; Boston City, Massachusetts; New York City, New York." *U.S. Census Bureau*, www.census.gov/quickfacts. Obscura, Atlas, and Nosowitz, Dan. "Philadelphia's Trinity Houses Are the Original Tiny Houses." *Atlas Obscura*, March 2016, https://www.atlasobscura.com/articles/philadelphias-trinity-houses-are-the-original-tiny-houses.

[46]*The Philadelphia Code*, title 14, sec. 14-701(2), Table 14-701-1 (RSA-5 and RSA-6) and Table 14-701-2 (RM-1). American Legal Publishing, codelibrary.amlegal.com/codes/philadelphia/latest/philadelphia_pa/0-0-0-292846. If keeping Permit Philly: "RSA Zoning." *Permit Philly*, 13 Apr. 2018, permitphilly.com/2018/04/13/rsa-zoning/.

[47]Peter, Tobias. "Austin's Simple Fix for Soaring Housing Costs." *Texas Public Policy Foundation*, 9 Dec. 2025, https://www.texaspolicy.com/austins-simple-fix-for-soaring-housing-costs/; Thompson, Ben, and Norton, Hannah. "Austin Cuts Minimum Residential Lot Size by More Than Two-Thirds under HOME Phase 2." *Community Impact*, 17 May 2024, communityimpact.com/austin/south-central-austin/government/2024/05/17/austin-cuts-minimum-residential-lot-size-by-more-than-two-thirds-under-home-phase-2/; Austin Board of Realtors. "HOME IMPACT REPORT
Is Austin's Housing Reform Working? The Data Says Yes." *Austin Board of Realtors*, April 2026, https://drive.google.com/file/d/1qucFix0yHJQ3pSR3NYt3VtjlvzRq0VdA/view.

Gainesville

In 2022, Gainesville eliminated minimum parking requirements citywide.[48] Later in 2024, Gainesville passed ordinances 2024-263 and 2024-267, which consolidated Gainesville's four single-family zoning districts, RSF-1 through RSF-4, into one new Single Family (SF) zoning district.[49] The new district cut the minimum lot size to 3,000 sq. ft. from as high as 8,500 sq. ft., cut the minimum lot width to 35 feet, and eliminated the minimum lot depth. The ordinances also lowered minimum setbacks to 10-foot front and rear setbacks and 5-foot side setbacks, or 0-foot side setbacks for townhomes. To assemble the votes for passage, the commission added a guardrail that keeps the new small lots dedicated to starter homes; a lot below 5,445 sq. ft, i.e. one-eighth of an acre, may hold a principal home of no greater than 1,500 sq. ft. of gross floor area and one accessory dwelling unit.[50] The ordinances also legalized cottage courts where homes are allowed to front or abut a common space instead of a public right-of-way.

Why Florida Must Act Now

Zoning in Florida is local by statute. Under the home rule powers in the Community Planning Act, each of Florida's 411 cities and 67 counties writes its own zoning laws, such as minimum lot sizes and setbacks, and runs its own approval process.[51] That means the rules described in this report vary across hundreds of local governments, and vary for different areas under the same local government's jurisdiction. A property owner or homebuilder who wants to construct a starter home in each of Orange County's 13 cities, and in its unincorporated areas, faces 13 city zoning codes and one county zoning code. The property owner or homebuilder must relearn the rules, and rehire local expertise, in every jurisdiction. Home rule can allow local governments to adopt reasonable requirements for their own community, but this is a debate about urgency. We need state action now, because it is likely that without state action, only a few of Florida's cities and counties will adopt reforms that enable more starter homes.

Local governments have shown that reform is possible, and a few have led the way. Gainesville's 2024 lot size reform and St. Petersburg's 2023 NTM-1 rezoning, which allows up to four homes on about 2,895 eligible lots, are leading examples.[52] But St. Petersburg's reform was deliberately narrow; it applies to fewer than 3,000 lots in a city of more than 260,000

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[48] "Parking Reforms in Gainesville, Florida, United States | Parking Reform Network." *Parkingreform.Org*, 2022, https://parkingreform.org/mandates-map/city_detail/Gainesville_FL.html.

[49] "Single Family Zoning and Lot Size Reform: Ordinances 2024-263 and 2024-267." *City of Gainesville*, Planning Division, 2024, www.gainesvillefl.gov/files/assets/public/v/1/sustainable-development/planning-department/documents/lot-size-and-single-family-reform-summary-1.pdf.

[50] *Code of Ordinances, City of Gainesville, Florida*, ch. 30 (Land Development Code), sec. 30-4.17, Table V-5, as amended by Ordinance No. 2024-263, 3 Oct. 2024. Municode, library.municode.com/fl/gainesville/codes/code_of_ordinances; Cabrera, Jennifer. "Gainesville City Commission Passes Minimum Lot Size Ordinance with Compromise on Maximum Primary Residence Size." *Alachua Chronicle*, 5 Oct. 2024, alachuachronicle.com/gainesville-city-commission-passes-minimum-lot-size-ordinance-with-compromise-on-maximum-primary-residence-size/.

[51] *Florida Constitution*, art. VIII; *Florida Statutes*, ch. 166 (the Municipal Home Rule Powers Act); *Florida Statutes*, ch. 163, pt. II (the Community Planning Act).

people. Even these modest reforms took years of community meetings, and Gainesville previously passed a broader reform that it repealed within months of a change in its city commission. Given that Florida has a shortage of roughly 486,000 homes statewide, the current pace of local reforms cannot close the gap.

Florida's population is also less concentrated in major cities compared to other major states. Texas's Senate Bill 15 only applied to the state's 19 largest cities, but it still reached much of its housing market because Texans are more concentrated in big cities; its five largest cities alone hold more than one fifth of the state's population. Florida's five largest cities hold only one tenth of the state's population, and its dozen largest cities hold roughly only one sixth of the state's population.[53] And only 50% of Floridians live in a city at all, compared to 74% of Texans;[54] the rest of Florida lives in unincorporated areas.[55] For statewide standards to reach working families across the state, they must apply to both cities and counties.

If necessary, the Legislature can tailor its Starter Homes Act to apply only to certain counties and the cities within them. With the same standards that we recommend in this report for new subdivisions, i.e. 2,500 sq. ft. minimum lot size for single-family detached and 1,000 sq. ft. for townhomes, if a Starter Homes Act only applied to Florida's counties with a population of more than 200,000 people, and to all cities within those counties, it would still result in 90% of the new starter homes that the Starter Homes Act would allow if it applied to all counties and cities. But if restricted to only counties with a population of more than 400,000 people, and all cities within those counties, then the Starter Homes Act would only allow 70% of the new starter homes compared to if it applied to all counties, dropping to only 50% if restricted to counties with more than 600,000, and all cities within those counties, and 25% if restricted to counties with more than 800,000, and all cities within those counties.

The statewide standards that we recommend are not new territory for Florida; it is consistent with how the state already handles housing issues that cross local lines. The Florida Building Code has set statewide technical standards for more than two decades to limit conflicts between local regulations, the 2023 Live Local Act sets statewide standards for local zoning, density, and height limits for qualifying projects, and the Infill Redevelopment Act extended statewide standards administrative approval for certain land in 2026, setting the stage for further reform in 2027.

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[52] "More Housing Options Now Available in St. Pete." *City of St. Petersburg*, 23 Mar. 2023, www.stpete.org/news_detail_T30_R645.php.

[53] Bureau of Economic and Business Research, University of Florida. *Florida Estimates of Population 2025.* April 2025, https://www.edr.state.fl.us/Content/population-demographics/data/Estimates2025.pdf; U.S. Census Bureau. "City and Town Population Totals: 2020–2025." *U.S. Census Bureau*, May 2026, https://www.census.gov/data/tables/time-series/demo/popest/2020s-total-cities-and-towns.html.

[54] Mekelberg, Madlin. "Fact-check: Do 74% of Texans Live on 4% of the State's Land?" *Austin American-Statesman*, 26 Apr. 2019, www.statesman.com/story/news/politics/2019/04/26/fact-check-do-74-of-texans-live-in-4-of-states-land/5 332 568 007/.

[55] "Florida's Cities." *Florida League of Cities*, June 2025, www.floridaleagueofcities.com/wp-content/uploads/2025/06/FL-City-Fact-Sheet.pdf.

Recommendations

We recommend that the Florida Legislature pass a Starter Homes Act that:

- Limits local government minimum lot sizes to no more than 2,500 sq. ft. for single-family detached homes and 1,000 sq. ft. for townhomes.
- Limits minimum setbacks to no more than 15 feet from the front, 10 feet from the rear, and zero feet from the sides.
- Limits minimum frontage and minimum width to 20 feet, and allow lots to front or abut a shared space instead of a public right-of-way.
- Caps minimum parking requirements at one space per home.
- Caps minimum open space or permeable surface requirements at 30% of a lot.
- Allows homes of at least three stories or 35 feet.

In a separate bill, we recommend that the Florida Legislature requires local governments to approve lot splits by right, for lots near jobs and amenities in cities.

We estimate that the Starter Homes Act would increase the annual production of new starter homes seven-fold (671%), helping to restore the path to homeownership and making renting more affordable for working families across the state. But even the seven-fold increase, or around 45,000 new starter homes per year, would still result in gradual change for most communities, because Florida's total number of existing housing units is over 10,000,000. So even though 45,000 new starter homes per year is less than a 0.5% increase in the number of housing units annually, it would still allow for tens of thousands of working-class Floridians to afford their first home. Alternatively, if the Florida Legislature does not act now, homeownership and renting will continue to be unaffordable for working families across the state.

SUNSHINE STATE HOUSING ALLIANCE

sunshinehousing.org

For over a year, the Sunshine State Housing Alliance, represented by the organizations on this letterhead, has met regularly to develop data-driven solutions for Florida's housing affordability crisis. The Alliance has compiled extensive research on Florida's challenges, best practices, and recommendations for the 2027 legislative session.

We look forward to providing you with information and support as you craft policy. Contact Amy Maguire and Avery Bernstein, on behalf of the Alliance, at maguire@flpolicyproject.com and avery1732@gmail.com.

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*This institution is listed for purposes of identification only. The views of the individual listed are his own and may not represent the views of the institution.

HOMES NEAR JOBS ACT

Summary of Proposed Florida Legislation

Draft bill text dated August 30, 2026 | Proposed effective date: July 1, 2027

At a glance: Creates section 163.3255, Florida Statutes, to designate state-mapped "homes near jobs zones" near clusters of specified amenities and establish statewide development entitlements, lot-split rules, parking flexibility, local implementation duties, and a private enforcement mechanism.

Executive summary

The proposal seeks to increase housing supply near jobs and amenities by preempting specified local development restrictions within designated homes near jobs zones. It requires the Florida Department of Commerce to publish and periodically update zone maps, and requires affected counties and municipalities to incorporate those zones into their comprehensive plans, land development regulations, and other applicable regulations.

Within a zone, the bill would establish minimum statewide allowances for small-lot single-family detached homes and townhouses, objective by-right review, lot splits of up to four lots, frontage on shared common space, and development without locally imposed minimum parking requirements. It preserves compliance with specified environmental and hazard-related regulations, but assigns a heightened evidentiary burden to a local government when such regulations prohibit, limit, or otherwise restrict development permitted by the bill.

The bill also creates an expedited private right of action for adversely affected or aggrieved property owners and qualifying housing organizations, with de novo review and mandatory attorney-fee and cost recovery for a prevailing claimant.

1. Geographic scope and implementation

Element	Proposed rule
Zone test	All lots partly or wholly within a one-half-mile walking distance of at least six qualifying amenities, and zoned for residential, commercial, light-industrial, mixed use, or located in a flexibly zoned area.
Qualifying amenities	Restaurants or bars, coffee shops, supermarkets or grocery stores, pharmacies, and hardware stores. Six may be the same amenity type or a combination.
State mapping	The Department of Commerce must publish a map and relevant amenities by August 1, 2027, submit it to applicable local governments, and update it every six months.
Owner/organization submissions	The department must update the map within 60 business days after a property owner or housing organization submits omitted eligible lots or amenities.
Local implementation	For amenities existing as of July 1, 2027, local governments must establish and incorporate zones by October 1, 2027, then establish or expand them no later than every six months based on department maps.
Durability	Once established, a zone may not later be reduced or eliminated because allowable uses change or amenities close.

Excluded areas and resources

- Areas of critical state concern designated under section 380.05, Florida Statutes.
- The Wekiva Study Area and the Everglades Protection Area.
- Development that would demolish or alter specified individually listed historic properties or contributing structures in qualifying historic districts listed in the National Register before January 1, 2000.

2. Statewide development standards inside a zone

Topic	Local government may not require more than / less than
Minimum lot size	2,500 sq. ft. for a single-family detached home; 1,000 sq. ft. for a townhouse.
Setbacks	Side: 0 ft. Rear: 10 ft., or 0 ft. abutting common space. Front: 15 ft., or 0 ft. abutting common space.
Building height	A maximum height lower than 3 stories or 35 ft. may not be imposed.
Residential FAR	A maximum floor area ratio lower than 3.0 may not be imposed.
Open/permeable area	A minimum reservation greater than 30% of lot area may not be imposed.
Lot dimensions/frontage	Width or depth greater than 20 ft. may not be required if minimum lot size is met. Frontage greater than 20 ft. may not be required, and frontage may be 0 ft. where the lot fronts or abuts common space.
Density	A maximum density more restrictive than the bill's requirements may not be imposed.

Additional prohibited local requirements

- Owner occupancy, or familial, marital, or employment relationships involving occupants or the property owner.
- Minimum dwelling size, height, volume, living area, or floor area, except as required by the Florida Building Code or Florida Fire Prevention Code.
- Minimum separation between structures, except as required by those state codes.
- Special setbacks or placement restrictions for attached garages that differ from the structure itself.
- A maximum number of lots, dwellings, or dwelling units fronting or abutting one common space.

Required by-right allowances

- Single-family detached homes and townhouses as allowable uses by right.
- Lots and dwelling units may front or abut common space instead of a public right-of-way. Required common space may not exceed 150 square feet per dwelling unit served by that space.

Meaning of "by right": Administrative approval based on objective compliance. The local government may not require a public hearing, action by a governing, reviewing, or quasi-judicial body, a variance, a conditional or special approval, or another discretionary regulation.

3. Lot splits and parking

Lot splits

The bill defines a lot split as division of a parent parcel into no more than four lots. A compliant lot split within a zone must be reviewed and approved by right. Local criteria are limited to:

- Documentation reasonably relevant to review and a fee no greater than necessary to review it, with no other lot-split fee.
- Compliance by resulting lots with the same land development regulations governing the parent parcel.
- A requirement that the parent parcel was not created by a lot split during the previous 10 years.

Parking flexibility

- No local minimum number of parking spaces for any existing, future, or proposed land use or development, including residential, commercial, light-industrial, and mixed uses.
- A property owner must be permitted to sell or lease parking spaces separately from dwelling units.
- Property owners remain free to construct, own, or operate parking voluntarily.

- Local regulation of on-street parking and parking meter programs is preserved.

4. Preserved regulations and burden of proof

Development remains subject to applicable local regulations for wetlands or springs protection; flood protection and floodplain management; drainage and stormwater management; and hurricane evacuation standards. If one of those regulations prohibits, limits, or otherwise restricts development permitted by the bill, the local government bears the burden in a challenge to prove by clear and convincing evidence that a specifically stated public necessity requires the regulation and that the regulation is not arbitrary or unreasonable in scope or application.

The proposal does not prohibit voluntary governing documents or deed restrictions adopted by condominium associations, homeowners' associations, cooperatives, or property owners. If a local government requires such restrictions, they are treated as local government regulations subject to the bill.

5. Enforcement and remedies

Feature	Proposed mechanism
Who may sue	A property owner or housing organization adversely affected or aggrieved by a local government violation.
Defendants	The local government or an officer or employee in an official capacity; immunity is waived to the extent of liability created by the section.
Venue and procedure	The county where the subject real property is partly or wholly located; summary procedure under section 51.011; the court must advance the case on its calendar.
Review standard	De novo review; decision by a preponderance of the evidence.
Mandatory remedies for prevailing claimant	One or more of: declaratory judgment, mandamus including an approval order, mandatory or prohibitory injunction, or remand for action consistent with the judgment.
Fees and costs	A prevailing claimant is entitled to reasonable attorney fees and costs, including reasonable appellate fees and costs.
Conflict rule	Contrary local regulations are null and void to the extent of conflict; the bill includes severability language.

6. Principal implications for local governments

- Recurring comprehensive-plan and code amendments tied to department maps, on an initial 2027 schedule and at least every six months thereafter.
- Replacement of discretionary approvals with objective administrative review for covered housing, lot splits, and related development applications.
- Revision of dimensional, density, frontage, garage, occupancy, common-space, and parking regulations within mapped zones.
- Potential litigation exposure, expedited judicial review, mandatory remedies, and claimant attorney-fee liability.
- Need to document the public necessity and reasonableness of preserved environmental or hazard-related regulations when those regulations restrict covered development.

7. Selected definitions

Term	Summary
Development application	Includes lot split, site, or development plans; plats or replats; bonuses for height, density, or FAR; objectively compliant demolition; and other development orders or permits, excluding building permits.
Common space	A shared driveway, alley, open space, courtyard, pocket park, or other shared area accessible to the public or residents/pedestrians by ownership or easement.

Term	Summary
Objectively	No personal or subjective official judgment; uniformly verifiable against a benchmark or criterion knowable by both government and property owner.
Housing organization	Specified housing trade or industry groups and nonprofit organizations that provide, advocate, research, educate, litigate, or conduct outreach on housing access or policy.
Light-industrial use	Industrial use that is not heavy industrial; heavy industrial includes specified flammable, explosive, hazardous, noxious, or offensive processes or conditions.
Walking distance	Distance by foot between lots using streets, sidewalks, crosswalks, alleys, or another publicly or privately accessible pedestrian route.

Effective date

July 1, 2027 The bill states that the act takes effect on this date. The department's first map is due August 1, 2027, and initial local implementation for amenities existing as of July 1, 2027, is due October 1, 2027.

Source and scope. Prepared solely from "Bill Text Homes Near Jobs Act 8.30.26.docx." This summary is designed for quick reference and does not replace the bill text. It describes the proposal as drafted and does not assess constitutionality, fiscal impact, implementation feasibility, or consistency with other laws.

STARTER HOMES ACT

Summary of Proposed Florida Legislation

Draft bill text dated August 28, 2026 | Proposed effective date: July 1, 2027

At a glance: Creates section 163.3254, Florida Statutes, to establish statewide development standards for residential lots in qualifying new subdivisions, require by-right approval of detached homes and townhouses, limit specified local design and parking requirements, and create an expedited private enforcement action.

Executive summary

The proposal is intended to increase the supply of housing and starter homes by limiting specified county and municipal development regulations applicable to residential lots in qualifying new subdivisions. It applies where subdivision lots are within an urban service area, are connected to public water and sewerage systems, or will receive those connections as part of the subdivision plan.

For covered lots, the bill establishes statewide ceilings or floors for lot size, setbacks, lot dimensions, frontage, open or permeable area, building height, floor area ratio, parking, density, and common-space requirements. It also prohibits specified occupancy, dwelling-size, structural-separation, and attached-garage regulations. Single-family detached homes and townhouses must be permitted as allowable uses by right.

The bill preserves specified local environmental and hazard-related regulations, but places a heightened evidentiary burden on a local government when one of those regulations restricts development permitted by the bill. It also creates a private right of action with summary procedure, de novo review, mandatory remedies, and attorney-fee and cost recovery for a prevailing claimant.

1. Purpose and legislative findings

- Increase housing and starter-home supply to make ownership, renting, and leasing more affordable and increase economic activity.
- Identify single-family detached and attached homes costing no more than 4.0 times the county median household income as affordable starter homes.
- Find that housing and starter-home shortages threaten health, safety, and welfare and are caused in significant part by burdensome local regulations, including minimum lot-size requirements.

2. Applicability and exclusions

Element	Proposed rule
Covered development	Only new subdivisions whose residential lots are within an urban service area; are connected to public water and a sewerage system; or will be connected as part of the subdivision plan.
Residential lot	A lot zoned for residential use or permitted to have a single-family detached home or townhouse as an allowable use.
New subdivision	A subdivision application involving land not in a recorded plat, a vacated recorded plat or portion, or a recorded plat that will be replatted as part of the application.
Excluded geographies	Areas of critical state concern, the Wekiva Study Area, and the Everglades Protection Area.
Historic-resource exclusion	New subdivisions that would demolish or alter specified individually listed historic properties or contributing buildings in historic districts listed in the National Register before January 1, 2000.

3. Statewide standards for residential lots

Topic	Local regulatory limit
Minimum lot size	No greater than 2,500 sq. ft. for a single-family detached home or 1,000 sq. ft. for a townhouse.
Setbacks	Side: 0 ft. Rear: no greater than 10 ft., or 0 ft. if abutting common space. Front: no greater than 15 ft., or 0 ft. if abutting common space.
Lot dimensions	Minimum width or depth may not exceed 20 ft. if the relevant minimum lot size is met.
Lot frontage	No greater than 20 ft., or 0 ft. if the lot fronts or abuts common space.
Open/permeable area	Required minimum may not exceed 30% of lot area.
Building height	A maximum lower than 3 stories or 35 ft. may not be imposed.
Floor area ratio	A maximum lower than 3.0 may not be imposed.
Parking	No more than 1 space per dwelling unit; covered parking and off-site parking may not be required.
Density	A maximum density more restrictive than the bill's requirements may not be imposed.
Common space	No maximum number of lots, dwellings, or units may be imposed for frontage or adjacency to one common space.

Additional prohibited requirements

- Owner occupancy or familial, marital, or employment relationships involving occupants or the property owner.
- Minimum dwelling size, height, volume, living area, or floor area, except as required by the Florida Building Code or Florida Fire Prevention Code.
- Minimum separation between structures on the same lot, except as required by those state codes.
- A special attached-garage setback different from the setback for the structure.
- A restriction dictating where an attached garage may be located within a dwelling structure.

4. Required by-right allowances

- Single-family detached homes and townhouses as allowable uses by right.
- Residential lots and dwelling units may front or abut common space instead of a public right-of-way.
- A local government may not require common space larger than 150 square feet per dwelling unit, based on the units on lots fronting or abutting that common space.

Meaning of "by right": Administrative approval based on objective compliance, without a public hearing, discretionary board action, variance, conditional use permit, special permit, special exception, or another discretionary regulation.

5. Preserved regulations and restrictions

Covered development remains subject to applicable local regulations for wetlands or springs protection; flood protection and floodplain management; drainage and stormwater management; and hurricane evacuation standards.

If one of those regulations prohibits, limits, or otherwise restricts development permitted by the bill, the local government bears the burden in a challenge to prove by clear and convincing evidence that a specifically stated public necessity requires the regulation and that the regulation is not arbitrary or unreasonable in scope or application.

Voluntary governing documents and deed restrictions adopted by condominium associations, homeowners' associations, cooperatives, or property owners are not prohibited. If a local government requires those restrictions, they are treated as local government regulations subject to the bill.

6. Enforcement and remedies

Feature	Proposed mechanism
Who may sue	A property owner or housing organization adversely affected or aggrieved by a local government violation.
Defendants and immunity	The local government or an officer or employee in an official capacity. Immunity is waived to the extent of liability created by the section.
Venue and procedure	County where the subject property is partly or wholly located; summary procedure under section 51.011; the court must advance the case on its calendar.
Review standard	De novo review; decision by a preponderance of the evidence.
Mandatory remedies	One or more of: declaratory judgment, mandamus including an approval order, mandatory or prohibitory injunction, or remand for action consistent with the judgment.
Attorney fees and costs	A prevailing claimant is entitled to reasonable fees and costs, including reasonable appellate fees and costs.
Conflict and severability	Contrary local regulations are null and void to the extent of conflict; invalid provisions or applications are severable.

7. Principal implications for local governments

- Subdivision, zoning, and development-review rules would need to distinguish covered new subdivisions from other development.
- Objective administrative review would replace discretionary approvals for qualifying detached homes, townhouses, and related applications.
- Covered standards for lot size, setbacks, frontage, open space, height, FAR, density, parking, common space, occupancy, dwelling size, separation, and garages would need to conform to the statutory limits.
- Restrictive environmental or hazard-related regulations may require a documented public-necessity justification and defense under the clear-and-convincing-evidence standard.
- Violations could result in expedited litigation, mandatory relief, and claimant attorney-fee and cost liability.

8. Selected definitions

Term	Summary
Development application	Subdivision, site, or development plans; plats or replats; bonuses for height, density, or FAR; objectively compliant demolitions; and other development orders or permits, excluding building permits.
Common space	A shared driveway, alley, open space, courtyard, pocket park, or other shared area accessible to residents through ownership or easement.
Objectively	No personal or subjective official judgment; uniformly verifiable against a benchmark or criterion knowable by both government and property owner.
Housing organization	Specified housing trade or industry groups and nonprofit organizations engaged in housing access, advocacy, research, education, litigation, or outreach.
Public water and sewerage	Uses the statutory definitions in sections 403.852(2) and 403.031; sewerage system excludes an onsite sewage treatment and disposal system.

Term	Summary
Townhouse	Has the same meaning as in section 481.203, Florida Statutes.

Effective date

July 1, 2027 The proposed act states that it will take effect on this date.

Source and scope. Prepared solely from "Bill Text Starter Homes Act 8.28.26.docx." This summary is designed for quick reference and does not replace the bill text. It describes the proposal as drafted and does not assess constitutionality, fiscal impact, implementation feasibility, or consistency with other laws.

By the Appropriations Committee on Transportation, Tourism, and Economic Development; the Committee on Community Affairs; and Senator Rouson

606-03018-26 20261342c2

A bill to be entitled

An act relating to transportation infrastructure land development regulations; amending s. 163.3164, F.S.; revising the definition of the term "transit-oriented development"; creating s. 163.32035, F.S.; creating the "Transit-Oriented Development Act" for a specified purpose; providing a short title; providing legislative findings; defining terms; requiring the governing body of a county or municipality to adopt an ordinance, and the governing body of a special district to adopt a resolution, establishing specified transit-oriented development (TOD) zones by a certain date; requiring that such TOD zones be incorporated into the local government comprehensive plan and land development regulations; requiring the governing body of a county or municipality to adopt ordinances, and the governing body of a special district to adopt resolutions, establishing specified TOD zones for permanent public transit stops that open for public use or receive notices to proceed for construction after a specified date; requiring a local government to zone eligible lots within TOD zones for mixed use; defining the terms "mixed use" and "commercial use"; prohibiting a local government from imposing certain regulations in specified TOD zones; prohibiting the reduction or elimination of TOD zones after establishment; encouraging public transit providers and public agencies to develop land within specified TOD zones; requiring that net proceeds from such

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

development be kept in a specified fund for certain purposes; requiring that certain residential or commercial development comply with certain laws and regulations; providing construction; providing severability; providing an effective date.

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

Section 1. Subsection (49) of section 163.3164, Florida Statutes, is amended to read:

163.3164 Community Planning Act; definitions.—As used in this act:

(49) "Transit-oriented development" or "TOD" means a project or projects~~,~~ in areas ~~identified in a local government comprehensive plan,~~ that are ~~is~~ or will be served by existing or planned transit service. These ~~designated~~ areas must allow ~~shall be~~ compact, moderate to high density or intensity developments~~,~~ of mixed-use character which are~~, interconnected with other land uses,~~ bicycle and pedestrian friendly~~,~~ and designed to support or allow the use ~~frequent transit service operating through~~, collectively or separately, of any of the following:

(a) A bus rapid transit service as defined in s. 163.32035(3)(d).

(b) A commuter rail service as defined in s. 341.301.

(c) An intercity rail transportation system as defined in s. 341.301.

(d) A fixed-guideway transportation system as defined in s. 341.031(2).

(e) A streetcar system.

(f) A bus system ~~rail, fixed guideway, streetcar, or bus systems~~ on dedicated facilities or available roadway connections.

Section 2. Section 163.32035, Florida Statutes, is created to read:

163.32035 Transit-Oriented Development Act.—The Transit-Oriented Development Act is created to make homeownership, renting, and leasing more affordable for the residents of this state and reduce chronic traffic congestion for the residents of this state, by increasing the supply of housing and allowing more residential and commercial development near transit infrastructure.

(1) This section may be cited as the "Transit-Oriented Development Act" or the "TOD Act."

(2) The Legislature finds that:

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

(b) There is a housing shortage in this state which has caused the costs of homeownership, renting, and leasing to often exceed an amount that is affordable for residents of this state.

(c) There is chronic traffic congestion on roadways in this state which constrains economic activity across this state.

(d) Constructing housing near transit infrastructure, such as rail systems and rapid transit systems, will minimize the traffic congestion caused by new residents and maximize state and local government investments in transit infrastructure.

(e) The important public purpose sought to be achieved by allowing an increase in residential and commercial development

near transit infrastructure is to increase the supply of housing near transit infrastructure and reduce chronic traffic congestion, which will make homeownership, renting, and leasing more affordable for residents of this state, increase economic activity across this state, and maximize state and local government investments in transit infrastructure.

(3) As used in this section, the term:

(a) "Adjacent" means that two lots share more than one point of a property line. Lots are not adjacent if separated by a body of water, including manmade lakes or ponds, or by a public easement or other right-of-way, including roads, railroads, or canals.

(b) "Adjacent to a single-family home" means adjacent to a lot that is one of at least 25 contiguous residential lots, all of which contain single-family detached homes on the date a development application is submitted.

(c) "Building height" means the number of stories or the number of feet measured above grade or, if applicable, above the base flood elevation established by the Federal Emergency Management Agency.

(d) "Bus rapid transit service" means a bus service with headways of 15 minutes or less during peak periods which operates in business access and transit lanes or in a right-of-way or lanes dedicated for public transit. If a bus service meets the criteria of this paragraph for one or more parts, but not all, of its route, the term includes only the parts of the route which meet the criteria. As used in this paragraph, the term "dedicated for public transit" means dedicated for at least 4 hours per business day. The term "business day" means all

calendar days except Saturdays, Sundays, and holidays under s. 110.117(1).

(e) "By right" means administrative approval 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.

(f) "Comprehensive plan" has the same meaning as in s. 163.3164.

(g) "Development" has the same meaning as in s. 380.04(1) and includes the division of a parent parcel into two lots.

(h) "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.

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

(i) "Eligible lot" means a lot that is:

1. Zoned for residential, commercial, industrial, or mixed use; or

2. Partly or wholly located within a flexibly zoned area where development is permitted for a use thereof.

The term does not include a lot that is located within an area of critical state concern designated pursuant to s. 380.05 or a lot that contains 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.

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

(k) "Land development regulation" has the same meaning as in s. 163.3164.

(l) "Local government" means a county, municipality, or special district.

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

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

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

(p) "Permanent public transit stop" means a stop or station for passenger use of a bus rapid transit service, a commuter rail service as defined in s. 341.301, an intercity rail transportation system as defined in s. 341.301, a fixed-guideway transportation system as defined in s. 341.031(2), or a

streetcar system. The term does not include any of the following:

1. A stop or station for a people-mover system in a public-use airport as defined in s. 332.004.

2. A stop or station that is used exclusively for a freight rail service as defined in s. 343.545(1).

3. A stop or station in a rural community as defined in s. 288.0656(2) for an intercity rail transportation system.

(q) "Regulation" means any of the following:

1. A comprehensive plan, development order, land development regulation, development agreement, or land development code. For purposes of this subparagraph, the term "development order" has the same meaning as in s. 163.3164.

2. An ordinance, a resolution, a policy, an action, a procedure, or a condition that governs development or land use. For purposes of this subparagraph, the term "land use" has the same meaning as in s. 163.3164.

(r) "Tier 1 TOD zone" means the area of all eligible lots partly or wholly within a one-quarter mile radius of a permanent public transit stop.

(s) "Tier 2 TOD zone" means the area of all eligible lots partly or wholly within a one-quarter mile to one-half mile radius of a permanent public transit stop, excluding any eligible lot within a Tier 1 TOD zone.

(t) "Transit-oriented development" or "TOD" has the same meaning as in s. 163.3164.

(4)(a)1. By December 1, 2026, the governing body of each county or municipality shall adopt an ordinance, and the governing body of each special district shall adopt a

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resolution, establishing Tier 1 TOD zones and Tier 2 TOD zones for each permanent public transit stop that was open for public use within the local government's jurisdiction during at least one day between January 1, 2026, and July 1, 2026, or that received a notice to proceed for construction within the local government's jurisdiction before July 1, 2026. By December 1, 2026, the local government shall incorporate TOD zones into its comprehensive plan, notwithstanding s. 163.3184, land development regulations, and any other applicable regulations.

2. After December 1, 2026, the governing body of each county or municipality shall adopt an ordinance, and the governing body of each special district shall adopt a resolution, establishing Tier 1 TOD zones and Tier 2 TOD zones for each permanent public transit stop that opens for public use within the local government's jurisdiction after July 1, 2026, or that receives a notice to proceed for construction within the local government's jurisdiction after July 1, 2026. The local government shall establish such TOD zones within 6 months after the permanent public transit stop opens for public use or receives a notice to proceed for construction, whichever occurs first.

(b)1. In addition to other existing and lawful uses, the local government shall zone all eligible lots located within a Tier 1 TOD zone or a Tier 2 TOD zone for mixed use. For purposes of this subparagraph, the term "mixed use" means that single-family and multifamily residential use, commercial use, and a combination thereof are allowable uses by right, and the term "commercial use" means activities associated with the sale, rental, or distribution of products or the performance of

services related thereto, including, but not limited to, retail sales and services; wholesale sales; rentals of equipment, goods, or products; offices; restaurants; hotels as described in s. 509.242(1)(a); food service vendors; sports arenas; theaters; tourist attractions; and other for-profit business activities. The term "commercial use" does not include:

a. Home-based businesses or cottage food operations undertaken on residential property, vacation rentals as described in s. 509.242(1)(c), or uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis; or

b. Farms or farm operations as those terms are defined in s. 823.14(3) or uses associated therewith, including the packaging and sale of products raised on the premises.

2. In Tier 1 TOD zones, a local government may not impose regulations that require any of the following:

a. A maximum building height of less than 8 stories or 85 feet, or less than 4 stories or 45 feet for eligible lots adjacent to a single-family home.

b. A maximum floor area ratio for residential use of less than 6.0, or less than 3.0 for eligible lots adjacent to a single-family home.

c. A maximum floor area ratio for commercial use of less than 3.0, or less than 2.0 for eligible lots adjacent to a single-family home.

d. Any minimum setback requirement for the side, front, and rear property lines.

e. A requirement that greater than 10 percent of the lot area be reserved for open space or permeable surface.

f. A required minimum number of parking spaces.

The maximum building heights and floor area ratios specified in this subparagraph are doubled for any eligible lot located partly or wholly within a county with a population that exceeds 800,000, calculated according to the most recent decennial United States Census, or partly or wholly within a municipality that is in such a county.

3. In Tier 2 TOD zones, a local government may not impose regulations that require any of the following:

a. A maximum building height of less than 4 stories or 45 feet, or less than 3 stories or 35 feet for eligible lots adjacent to a single-family home.

b. A maximum floor area ratio for residential use of less than 3.0, or less than 2.0 for eligible lots adjacent to a single-family home.

c. A maximum floor area ratio for commercial use of less than 3.0, or less than 2.0 for eligible lots adjacent to a single-family home.

d. Any minimum setback requirement for the side, front, or rear property lines.

e. A requirement that greater than 20 percent of the lot area be reserved for open space or permeable surface.

f. A required minimum number of parking spaces.

The maximum building heights and floor area ratios specified in this subparagraph are doubled for any eligible lot located partly or wholly within a county with a population that exceeds 800,000, calculated according to the most recent decennial

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United States Census, or partly or wholly within a municipality that is in such a county.

4. For an eligible lot within a Tier 1 TOD zone or Tier 2 TOD zone, a local government may not impose any of the following:

a. Any limitation, restriction, or prohibition on single-family or multifamily dwellings.

b. A maximum density, including, but not limited to, a maximum number of dwelling units per lot or per acre.

c. A minimum size for dwellings or dwelling units greater than that required by the Florida Building Code.

(c) A TOD zone established pursuant to this subsection may not be reduced or eliminated thereafter, including for the closure of a permanent public transit stop after the TOD zone is established.

(5) A public transit provider as defined in s. 341.031(1) is encouraged to develop land within Tier 1 and Tier 2 TOD zones in accordance with this section. Any net proceeds from such development shall be kept in the public transit agency's fund for operations, maintenance, and capital improvements. Public agencies, such as the Department of Transportation and local governments, are also encouraged to develop the land within Tier 1 and Tier 2 TOD zones in accordance with this section and to transfer a portion of the net proceeds to the public transit agency's fund for operations, maintenance, and capital improvements.

(6) Except as otherwise provided in this section, residential or commercial development authorized within a TOD zone under this section must comply with all applicable state

and local laws and regulations. This section does not preempt or replace any protection currently existing for a property located within the boundaries of any of the following areas:

(a) The Wekiva Study Area, as described in s. 369.316.

(b) The Everglades Protection Area, as defined in s. 373.4592(2).

(c) The Florida wildlife corridor, as defined in s. 259.1055(4).

(d) A military installation or range identified in s. 163.3175(2).

(e) An area with environmentally sensitive lands designated in the local government's comprehensive plan.

(7) If any provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect any other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

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

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TRANSIT-ORIENTED DEVELOPMENT MINIMUM STANDARDS ACT

Summary of Proposed Florida Legislation

Proposed section 163.xxxx, Florida Statutes | Effective upon becoming law

At a glance: Establishes broad statewide minimum standards for transit-oriented development while permitting local governments to define TOD boundaries, select appropriate uses and development forms, adopt context-sensitive objective standards, and address infrastructure, environmental, safety, compatibility, and other local concerns.

Executive summary

The proposal applies to each county or municipality containing one or more existing or planned transit stations, transit hubs, major transit stops, or fixed-route rapid transit corridors. Each applicable local government must designate one or more transit-oriented development areas and adopt implementing regulations consistent with the act.

The bill does not prescribe a uniform statewide radius, density, or building height. Instead, the local government determines the walking-distance boundary of each TOD area, selects locally appropriate residential and nonresidential development forms, and regulates development through adopted objective standards. Within every TOD area, at least one residential form and at least one neighborhood-serving nonresidential, civic, institutional, employment, or mixed-use form must be allowed.

Compliant development must receive administrative approval. The proposal also requires flexible parking standards, safe multimodal access standards, adopted planning policies, and implementing land development regulations. It provides exemptions and adjustment authority for specified constraints, establishes implementation deadlines, and authorizes affected persons to seek declaratory and injunctive relief after a 90-day notice-and-cure period.

1. Legislative purpose and approach

- Coordinate land use, housing, infrastructure, and transportation planning near existing and planned transit service.
- Support fiscally responsible growth, transportation choice, access to housing and jobs, and efficient use of public investments.
- Establish minimum requirements while preserving local flexibility for context-sensitive regulation and identified infrastructure, historic, environmental, coastal, military, airport, port, industrial, and neighborhood concerns.
- Allow local standards that are more permissive regarding density, intensity, parking, housing types, mixed uses, or approval procedures.

2. Applicability and designation of TOD areas

Element	Proposed rule
Covered local governments	Each municipality or county containing one or more existing or planned transit stations, transit hubs, major transit stops, or fixed-route rapid transit corridors.
Qualifying transit facility	An existing or planned station, hub, major stop, rapid transit corridor, or another locally designated facility appropriate for TOD based on service, ridership, planned investment, redevelopment potential, or surrounding conditions.
TOD boundary	Land designated within a locally determined walking distance of a qualifying transit facility.

Element	Proposed rule
Boundary considerations	Street connectivity, infrastructure capacity, parcel configuration, environmental constraints, historic resources, redevelopment opportunity, displacement risk, and neighborhood compatibility.
Required designation	Each applicable local government must designate one or more TOD areas and adopt implementing regulations.

Areas that may be excluded or adjusted

A local government is not required to designate or fully apply TOD standards to a coastal high hazard area or an area where increased intensity would materially conflict with:

- Federal or state law; military or aviation safety; port or freight operations.
- Conservation or preservation requirements; public safety; unavailable water or wastewater service.
- Vested rights; a binding development agreement; or a final development order.

3. Minimum development standards

Requirement	Local role and minimum standard
Allowed development	At least one residential form and at least one neighborhood-serving nonresidential, civic, institutional, employment, or mixed-use form in each TOD area.
Scale	Objective standards must allow compact residential or mixed-use development at a scale greater than the jurisdiction's lowest-intensity residential zoning district, unless exempt or adjusted.
Design and form	Local objective standards may regulate height, setbacks, frontage, coverage, open or green space, impervious surface, landscaping, trees, placement, massing, design, access, lighting, signage, stormwater, and public realm improvements.
Compatibility	Objective transition and compatibility standards may apply near lower-intensity neighborhoods. A compliant application may not be denied solely on generalized character, harmony, compatibility, or neighborhood-fit references.
Parking	Local governments must review TOD parking and authorize flexible standards. Parking required in a TOD area may not exceed that required for the same use outside the TOD area.
Multimodal access	Objective standards must support safe and convenient pedestrian, bicycle, micromobility, and transit access, as appropriate to local conditions.
Pedestrian-oriented streets	Active ground-floor uses, frontage, transparency, entrances, and similar standards may be required on designated streets.
Housing policies	Lawful incentives or requirements may support affordable, workforce, senior, student, or special-needs housing, preservation, and transit-supportive use of public land.

No uniform statewide height: The bill expressly permits local building-height regulation and does not prohibit locally adopted height limits.

4. Infrastructure, environmental, and contextual safeguards

- Development intensity may be phased based on infrastructure capacity and planned capital improvements.
- The act does not exempt development from otherwise applicable concurrency, mobility fee, impact fee, utility, stormwater, floodplain, environmental, or public safety requirements.

- Historic preservation, wetlands, floodplains, coastal high-hazard areas, stormwater, tree protection, habitat, water quality, emergency access, evacuation, and resiliency regulations are not preempted if applied through objective and generally applicable standards.
- Different standards may be established for urban, suburban, small-town, coastal, rural, redevelopment, employment, civic, institutional, and neighborhood-edge contexts.

5. Approval process and prohibited actions

Administrative approval

A local government must provide staff-level administrative approval for development within a TOD area that complies with adopted objective standards. Public hearings may still be required for rezonings, comprehensive plan amendments, variances, waivers, conditional uses, planned development approvals, or noncompliant applications.

Within a TOD area, a local government may not

- Prohibit all residential development or all neighborhood-serving nonresidential development.
- Require excess parking or discretionary design review for a compliant application.
- Deny a compliant application solely because of generalized opposition to density, multifamily housing, renters, transit users, affordable housing, or mixed-use development.

6. Compliance methods and local planning

- Local governments may use comprehensive plan policies, zoning or overlay districts, station or corridor plans, form-based codes, planned development options, special area plans, or other regulatory tools.
- Existing TOD, mixed-use, station area, corridor, form-based, activity center, urban infill, redevelopment, or similar regulations constitute compliance if they substantially satisfy the act's minimum requirements.
- Applicable local governments must identify the general location of TOD areas and the land use, housing, infrastructure, and transportation policy framework in an adopted planning document.
- Land development regulations must be adopted or amended as needed to implement objective standards and procedures appropriate to local context.

7. Implementation schedule

Deadline	Required action
December 1, 2027	By adopted resolution, identify qualifying transit facilities and determine whether TOD areas are required.
December 1, 2028	Adopt or amend comprehensive plan policies, land development regulations, zoning maps, or other implementing regulations as necessary.
Possible extension	The state land planning agency may grant one extension of up to 12 months for good cause, including specified coordination, infrastructure planning, disaster recovery, or an ongoing planning process.

8. Enforcement and cure

Feature	Proposed mechanism
Compliance certification	A local government may certify by ordinance or resolution that its adopted regulations comply with the act.
Who may sue	An "affected person," as defined in the bill, may seek declaratory and injunctive relief.
Participation prerequisite	Except for an adjoining local government, a qualifying person must have submitted oral or written comments, recommendations, or objections by the applicable adoption date identified in the bill.

Feature	Proposed mechanism
Pre-suit notice	Written notice must identify the alleged deficiency before an action is filed.
Cure period	The local government has 90 days to cure the alleged deficiency or provide a written explanation of compliance.
Available relief	Declaratory or injunctive relief. Monetary damages may not be awarded under the act.

9. Principal implications for local governments

- Inventory existing and planned transit facilities and formally determine whether the act requires TOD areas.
- Define locally appropriate walking-distance boundaries and document relevant infrastructure, environmental, historic, redevelopment, displacement, and compatibility considerations.
- Ensure each TOD area permits the required mix of development forms at a scale above the lowest-intensity residential district, unless a statutory exclusion or adjustment applies.
- Convert applicable design and compatibility provisions into measurable, verifiable objective standards.
- Review parking regulations, implement flexible options, and ensure TOD parking does not exceed requirements for the same use outside the TOD area.
- Provide administrative approval for compliant applications and update adopted planning documents and land development regulations by the statutory deadlines.

Effective date and construction

Effective upon becoming law The act establishes minimum statewide standards. It may not be construed to impair vested rights, require approval inconsistent with federal or state law or the local comprehensive plan, or require sale, lease, or development of publicly owned land.

Source and scope. Prepared solely from "Simplified TOD Minimum Standards Act.docx." This summary is for quick reference and does not replace the proposed legislation. It describes the proposal as drafted and does not independently assess constitutionality, fiscal impact, implementation feasibility, or consistency with other laws.

By the Committee on Rules; the Appropriations Committee on Transportation, Tourism, and Economic Development; and Senators Gaetz, Osgood, Pizzo, and Arrington

595-02231-26 202648c2

A bill to be entitled

An act relating to housing; amending s. 163.31771, F.S.; defining the term "primary dwelling unit"; requiring local governments to adopt, by a specified date, an ordinance to allow accessory dwelling units to be approved in certain areas; requiring that such ordinances apply prospectively; providing that such ordinances may regulate specified actions; prohibiting the inclusion of certain requirements or prohibitions in such ordinances; providing an exception to the requirement that local governments adopt such ordinances; deleting a requirement that an application for a building permit to construct an accessory dwelling unit include a certain affidavit; revising the accessory dwelling units that apply toward satisfying a certain component of a local government's comprehensive plan; prohibiting the denial of a homestead exemption for certain portions of property on a specified basis; requiring that a rented accessory dwelling unit be assessed separately from the homestead property and taxed according to its use; amending s. 420.615, F.S.; authorizing a local government to provide a density bonus incentive to landowners who make certain real property donations to assist in the provision of affordable housing for military families; requiring the Office of Program Policy Analysis and Government Accountability to evaluate the efficacy of using mezzanine finance and the potential of tiny homes for specified purposes;

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requiring the office to consult with certain entities; requiring the office to submit a certain report to the Legislature by a specified date; providing an effective date.

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

Section 1. Subsections (2) through (5) of section 163.31771, Florida Statutes, are amended, and a new subsection (5) is added to that section, to read:

163.31771 Accessory dwelling units.—

(2) As used in this section, the term:

(a) "Accessory dwelling unit" means an ancillary or secondary living unit, that has a separate kitchen, bathroom, and sleeping area, existing either within the same structure, or on the same lot, as the primary dwelling unit.

(b) "Affordable rental" means that monthly rent and utilities do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for extremely-low-income, very-low-income, low-income, or moderate-income persons.

(d) ~~(c)~~ "Local government" means a county or municipality.

(e) ~~(d)~~ "Low-income persons" has the same meaning as in s. 420.0004(11).

(f) ~~(e)~~ "Moderate-income persons" has the same meaning as in s. 420.0004(12).

(g) "Primary dwelling unit" means an existing or proposed single-family dwelling on the property where a proposed accessory dwelling unit would be located.

(h)~~(f)~~ "Very-low-income persons" has the same meaning as in s. 420.0004(17).

(c)~~(g)~~ "Extremely-low-income persons" has the same meaning as in s. 420.0004(9).

(3) By December 1, 2026, a local government shall ~~may~~ adopt an ordinance to allow accessory dwelling units to be approved without requiring a public hearing; a variance, conditional use permit, special permit, or special exception; or other discretionary action, other than a determination that a site plan conforms with applicable zoning regulations, in any area zoned for single-family residential use. Such ordinance must apply prospectively to accessory dwelling units approved after the date the ordinance is adopted. Such ordinance may regulate the permitting, construction, and use of an accessory dwelling unit but may not do any of the following:

(a) Prohibit the renting or leasing of an accessory dwelling unit, except to prohibit the renting or leasing of an accessory dwelling unit approved after the effective date of the ordinance for a term of less than 1 month, notwithstanding s. 509.032(7)(b).

(b) Require that the owner of a parcel on which an accessory dwelling unit is constructed reside in the primary dwelling unit.

(c) Increase parking requirements on any parcel that can accommodate an additional motor vehicle on a driveway without impeding access to the primary dwelling unit.

(d) Require replacement parking if a garage, carport, or covered parking structure is converted to create an accessory dwelling unit.

(e) Impose discretionary review or hearing standards, such as requiring a conditional use approval or special exception to construct an accessory dwelling unit, or other review standards that do not apply generally to other housing in the same district or zone.

A local government that is required by state law to limit the number of new dwelling units within the local government's jurisdiction is not required to adopt an ordinance in accordance with this subsection, but may adopt an ordinance to allow accessory dwelling units in any area zoned for single-family residential use.

(4) ~~An application for a building permit to construct an accessory dwelling unit must include an affidavit from the applicant which attests that the unit will be rented at an affordable rate to an extremely-low-income, very-low-income, low-income, or moderate-income person or persons.~~

~~(5)~~ Each accessory dwelling unit allowed by an ordinance adopted under this section which provides affordable rental housing shall apply toward satisfying the affordable housing component of the housing element in the local government's comprehensive plan under s. 163.3177(6)(f).

(5) The owner of a property with an accessory dwelling unit may not be denied a homestead exemption for those portions of property on which the owner maintains a permanent residence solely on the basis of the property containing an accessory dwelling unit that is or may be rented to another person. However, if the accessory dwelling unit is rented to another person, the accessory dwelling unit must be assessed separately

from the homestead property and taxed according to its use.

Section 2. Subsection (1) of section 420.615, Florida Statutes, is amended to read:

420.615 Affordable housing land donation density bonus incentives.—

(1) A local government may provide density bonus incentives pursuant to ~~the provisions of~~ this section to any landowner who voluntarily donates fee simple interest in real property to the local government for the purpose of assisting the local government in providing affordable housing, including housing that is affordable for military families receiving the basic allowance for housing. Donated real property must be determined by the local government to be appropriate for use as affordable housing and must be subject to deed restrictions to ensure that the property will be used for affordable housing.

Section 3. The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall evaluate the efficacy of using mezzanine finance, or second-position short-term debt, to stimulate the construction of owner-occupied housing that is affordable as defined in s. 420.0004(3), Florida Statutes, in this state. OPPAGA shall also evaluate the potential of tiny homes in meeting the need for affordable housing in this state. OPPAGA shall consult with the Florida Housing Finance Corporation and the Shimberg Center for Housing Studies at the University of Florida in conducting its evaluation. By December 31, 2027, OPPAGA shall submit a report of its findings to the President of the Senate and the Speaker of the House of Representatives. Such report must include recommendations for the structuring of a model mezzanine finance program.

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Section 4. This act shall take effect July 1, 2026.

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SUMMARY OF KEY PROVISIONS
Proposed Light-Touch Density Legislation

Purpose and Legislative Policy

The proposal creates a new section of chapter 163, Florida Statutes, requiring counties and municipalities to permit limited, incremental residential density on certain serviced residential parcels. The stated policy is to expand housing opportunities while preserving neighborhood character, maintaining urban-service capacity, protecting fire and public-safety access, meeting stormwater requirements, and generally preventing newly authorized units from being used as short-term rentals.

Parcels Covered by the Proposal

The requirements apply to a legally platted parcel that is designated for residential use on the future land use map, lies within an urban service area and any applicable urban growth boundary, has a gross lot area from 4,500 square feet to 1 acre, and already has central water and sewer service, paved street access, and public-safety services. The proposal would reach otherwise qualifying parcels subject to deed restrictions or covenants recorded after the act takes effect.

Principal Exclusions

The proposal excludes parcels or areas with specified environmental, infrastructure, historic, land-use, or geographic characteristics, including:

- Environmentally sensitive lands and conservation or protected areas identified through specified planning or development instruments.
- Inadequately platted communities, generally described as older quarter-acre subdivisions that lacked supporting urban services when platted and whose buildout would create infrastructure, drainage, environmental, land-use, or development-pattern problems.
- Nationally or locally designated historic districts, unless the local government elects to apply the legislation there.
- Parcels containing a structure used as a short-term rental, unless the use is discontinued, subject to the accessory dwelling unit exception.
- Municipalities in which 20 percent or fewer of existing residential units are detached single-family dwellings.
- The Wekiva Study Area, Everglades Protection Area, areas of critical state concern, Florida Wildlife Corridor areas, and identified military installations or ranges.
- Parcels whose primary future land use designation is agricultural, commercial, industrial, or mixed use, except for the accessory dwelling unit provision or where otherwise authorized locally.
- Areas where central water and sewer were extended beyond an urban growth boundary or urban or planned service area for limited purposes such as serving existing urban areas, addressing a specific health or safety condition, or providing system redundancy.

Required Local Land Development Regulations

Each county and municipality must amend its land development regulations to implement the following measures:

- On at least 20 percent of qualifying parcels in the jurisdiction, allow one or more specified housing or lot-size options: duplexes or two-unit structures; townhouses, triplexes, quadplexes, or cottage clusters; or minimum lot sizes of 4,500 square feet or less.
- Provide a process for administrative lot splits.
- By October 1, 2027, allow an accessory dwelling unit of up to 800 square feet on any qualifying parcel containing a single-family dwelling, subject to objective compatibility standards.

- Administratively approve development applications that comply with the legislation, the comprehensive plan, adopted objective standards, and applicable state and local stormwater requirements. Applicants remain responsible for applicable fees unless the local government waives them.

Accessory Dwelling Units and Affordability

- A local government may require the owner to occupy at least one dwelling unit on the parcel if one unit is used as a short-term rental.
- An accessory dwelling unit developed under the legislation may count toward the affordable-housing component of the local comprehensive plan housing element when rent and utilities satisfy the proposal's income-based affordability limit.

Objective Compatibility Standards

Local regulations must use objective standards addressing scale, form, appearance, and compatibility with existing and planned residential uses within 1,000 feet. At a minimum, the standards must:

- Limit building height to the lesser of the height allowed by the underlying zoning district or the height of the tallest residential unit within 1,000 feet.
- Use the underlying zoning district's front, side, and rear setbacks, while allowing locally adopted reduced setbacks for accessory dwelling units based on existing development patterns.
- Regulate building width, lot coverage, and building form to avoid visually dominant structures.
- Require structures abutting the primary street to have at least one and no more than two entrances facing that street.
- Apply measurable design criteria, potentially including residential floor-area-ratio minimums and bonuses for design features that reduce apparent mass and bulk from public view.

Density, Building Size, and Infrastructure Limits

Unless a local government permits more, development authorized under the proposal may not exceed:

- Ten dwelling units per acre.
- A floor area ratio or lot coverage that would produce a building materially larger than the largest single-family dwelling within 1,000 feet, or the underlying zoning standards, whichever is greater, as determined under adopted objective standards.
- The current capacity of existing urban services, unless the applicant pays its proportionate cost of necessary expansion or improvements.

Parking Requirements

- A municipality may not require more than one off-street parking space per dwelling unit authorized under the proposal.
- Parking must be waived for an accessory dwelling unit within one-half mile of a public transit stop when contiguous public sidewalks connect the parcel to the stop.

Short-Term Rental Restriction

Except for the stated accessory dwelling unit provision and unless otherwise authorized by the local government, a housing unit developed under the proposal may not be used as a short-term rental. The proposal states that this restriction applies notwithstanding section 509.032(7)(b), Florida Statutes.

Comprehensive Plan and Implementation Requirements

- Each county and municipality must include comprehensive plan goals, objectives, and policies supporting the required light-touch density measures and identifying the land development regulations needed for implementation.

- Implementing land development regulations and development orders must remain consistent with the adopted comprehensive plan.
- If existing land development regulations are inconsistent with the most recently adopted comprehensive plan, the local government must adopt a schedule for conformity. During the interim, the comprehensive plan controls development-order decisions.
- Plan amendments and implementing regulations adopted solely to carry out the legislation receive a presumption that they further the future land use element, provided the local government adopts and applies the required objective compatibility standards.
- Local regulations may not effectively preclude development authorized or required on qualifying parcels when a proposal otherwise complies.

Optional Local Incentives and Additional Authority

- A local government may adopt affordability incentives, including density bonuses, for qualifying development that complies with the objective compatibility standards.
- A local government may offer other development incentives and may adopt additional measures encouraging a diverse mix of housing types on covered or other parcels.
- Implementation must preserve prevailing neighborhood scale through objective standards.

Other Safeguards and Limitations

- The proposal does not override applicable platting or replatting requirements.
- A local government need not allow lot splits or density increases under the legislation more than once per qualifying parcel.

Deadlines, Repeals, and Effective Date

- Required comprehensive plan amendments and land development regulations must be adopted no later than December 31, 2028. A legal challenge to an implementing amendment or regulation is not itself treated as a violation of that deadline.
- The proposal repeals section 163.3202(5)(a), Florida Statutes, and section 163.31771, Florida Statutes.
- The act takes effect October 1, 2027.



Development Related Infrastructure

Development-Related Infrastructure Impact Fees

Background:
Impact fees are charges imposed on new development to help fund the additional infrastructure needed to serve that development. The basic principle is that new growth should contribute a proportionate share of the infrastructure costs it creates, rather than placing the entire cost on existing taxpayers and residents.

Cities and counties use impact fees to help fund capital improvements such as roads, parks, fire and emergency medical facilities, and other infrastructure. Impact fees generally may not be used for ordinary operating or maintenance expenses or to correct existing infrastructure deficiencies unrelated to new development.

Impact fees are governed principally by the Florida Impact Fee Act, section 163.31801, Florida Statutes, which recognizes that impact fees developed from local government home rule authority and are an important source of revenue for infrastructure necessitated by growth.

Impact fees must satisfy the "dual rational nexus" test. The fee must be proportional and reasonably connected to both (1) the need for additional capital facilities created by new development and (2) the expenditure of the revenues and resulting benefit to the new development.

Limitations on Impact Fee Increases:
2025 Session – CS/SB 1080. Enacted as Chapter 2025-177, Laws of Florida, the legislation further restricted extraordinary-circumstances increases. Effective January 1, 2026, it increased the required vote from two-thirds to unanimous approval of the governing body, required the increase to be phased in over two to four equal annual increments, and generally prohibited use of the extraordinary-circumstances exception if the impact fee had not been increased during the preceding five years.

2026 Session – CS/CS/HB 1329. Enacted as Chapter 2026-161, Laws of Florida, the Local Government Financial Transparency and Accountability Act imposes additional restrictions on impact fees. Among other changes, the legislation:

- imposes additional requirements on demonstrated-need studies and requires recent, localized data;
- prohibits using data more than four years old to establish extraordinary circumstances;
- caps an extraordinary-circumstances increase at 100% of the existing fee, phased in over four years;
- establishes procedures for refunds or credits for impact-fee overpayments; and
- requires counties and municipalities that both impose transportation impact fees to coordinate through interlocal agreements using a plan-based methodology.

The 2025 and 2026 legislation continues a trend of increased state regulation of local impact-fee authority.

Impact Fees and SB 180

A separate issue has emerged concerning the interaction between impact fees and **SB 180** (2025). Among its hurricane-recovery provisions, SB 180 prohibits certain local governments from adopting more "restrictive or burdensome" comprehensive plan amendments or land development regulations during specified recovery periods.

Homebuilder organizations have argued that an increase in an impact fee may itself constitute a prohibited "more restrictive or burdensome" regulation. This argument has been raised in challenges involving impact-fee increases in Manatee County and the City of Palm Coast. In Palm Coast, the City adopted increased fire, parks and transportation impact fees after a study concluded that extraordinary circumstances justified increases beyond the ordinary statutory limits. The Flagler Home Builders Association challenged the increases, including under SB 180.

In August 2026, the circuit court ruled against Palm Coast on the SB 180 issue, concluding that the increased impact fees constituted a more burdensome land development regulation. The City disagreed with the ruling and indicated it was evaluating its legal options.

The decision raises an important question: If a local government complies with the Florida Impact Fee Act when increasing an impact fee, can SB 180 nevertheless prohibit the increase because the higher fee is considered "more restrictive or burdensome"?

Potential 2027 Legislative Issues

Impact fees have received significant legislative attention in recent sessions. Cities should monitor potential legislation that would impose additional restrictions on impact-fee calculations, increases, methodologies, extraordinary-circumstances determinations, or challenges. Cities should also evaluate implementation of the recent statutory changes to identify areas that may require clarification or technical corrections.

The Palm Coast litigation may present an opportunity for legislative clarification. One potential approach would be to clarify that an impact fee adopted or increased in compliance with section 163.31801 does not constitute a "more restrictive or burdensome" land development regulation solely because the fee is greater than the amount previously imposed. Such a clarification would preserve the limitations already contained in the Florida Impact Fee Act while addressing uncertainty concerning its interaction with SB 180.

For the 2027 Session, impact fees potentially present both a defensive issue—protecting municipal authority from additional restrictions—and a proactive issue—considering a narrowly tailored clarification of SB 180 as it applies to otherwise lawful impact-fee increases.

Observer
Palm Coast. Ormond Beach.

Judge rules Palm Coast impact fee increases violate state law

Circuit judge sides with builders on SB 180 claim as city considers appeal

By Rich Carroll | 1:35 p.m. August 10, 2026



A home under construction in Palm Coast. Photo by Rich Carroll

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The Flagler Home Builders Association got a favorable ruling from a circuit judge in its lawsuit against Palm Coast's 2025 impact fee hikes, an early win in a case that is not over yet.

Circuit Judge Sandra Upchurch granted the FHBA's motion for summary judgment on its Senate Bill 180 claim, finding the city's increased impact fees constitute a land development regulation that is more burdensome than what was previously in place.

FHBA Executive Officer Annamaria Long said the ruling addresses the first portion of the association's lawsuit. Other claims challenging how the fees were calculated under the Florida Impact Fee Act remain pending.

"I'm clearly very pleased with the judge's decision," Long said. "It's not so much a win or lose sort of feeling so much as it's the judge following the law."

Long said the ruling is the first step toward getting the fees corrected and ultimately ensuring Palm Coast's impact fees are both accurate and legal.

The dispute goes all the way back to 2025, when Palm Coast raised its fire, parks and transportation impact fees. The three fees combined increased by $11,500 for a single-family home. At that time, the city justified the increase by saying rapid growth and rising infrastructure costs created the "extraordinary circumstances" necessary under state law to justify increases beyond the normal statutory limits.

The city said in a statement following Upchurch's ruling that it disagrees with the decision and is reviewing its legal options, including an appeal. The city also said the ruling does not immediately change its current impact fee schedule.

Vice Mayor Theresa Carli Pontieri said she supports an appeal.

"I think we did everything right," Pontieri said. "We got the studies that we needed to get. We showed that we have incurred an extreme amount of growth in a short period of time, that the costs of improvements have skyrocketed."

Pontieri said her larger concern is ensuring existing residents are not left responsible for the infrastructure costs created by new development.

"We're seeing the cost of growth falling on the shoulders of our current residents," she said. "That's not how growth and development should operate."

Long emphasized that the FHBA does not oppose impact fees themselves. The organization previously supported the city's utility impact fee increase because, she said, it complied with state law.

"We are not against impact fees," Long said. "If it's legal and it's accurate, we're good."

Long said litigation was not the association's first choice and that the FHBA attempted to resolve its concerns with city staff and the City Council before filing suit.

"We never wanted to be here, but we are," Long said. "So we're going to continue this fight because it is a fight for housing affordability for all."

A written order is expected soon. The remaining claims in the lawsuit are still pending, and the city has not yet made a final decision on whether it will appeal.

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Live Local Act – Implementation and Potential 2027 Revisions

Live Local Act
Implementation and Potential 2027 Revisions

Background:
The Live Local Act, enacted in 2023, made significant changes to Florida's affordable housing laws. Among its provisions, the Act preempted certain local land use and zoning regulations to facilitate development of affordable multifamily and mixed-use housing.

Under section 166.04151(7), Florida Statutes, a municipality generally must allow qualifying multifamily or mixed-use residential development in areas zoned for commercial, industrial, or mixed use without requiring a zoning or land use change, special exception, conditional use approval, variance, or comprehensive plan amendment. To qualify, at least 40% of the residential units must remain affordable for at least 30 years. Mixed-use projects must devote at least 65% of their square footage to residential uses.

The Act also establishes minimum development entitlements for qualifying projects. Generally, a municipality may not restrict a qualifying project's density below the highest residential density otherwise allowed within the municipality; floor area ratio below 150% of the highest otherwise allowed; or height below the highest height allowed for a commercial or residential building within one mile or three stories, whichever is greater. The law contains additional standards and exceptions governing height, parking, administrative approval and other development requirements.

As a result, the Live Local Act represents a substantial state preemption of traditional municipal land-use authority for qualifying affordable housing developments.

Continuing Legislative Changes:
Since its enactment in 2023, the Legislature has revised the Live Local Act during successive legislative sessions. These changes have addressed issues arising from local implementation, including qualifying property, density and height calculations, parking, administrative approval, proximity to single-family neighborhoods, and other development standards.

The Legislature again made significant changes during the 2026 Session through **CS/CS/HB 1389** (Redondo), Affordable Housing, which became Chapter 2026-179, Laws of Florida, effective July 1, 2026.
2026 Session – **HB 1389**

HB 1389 further expands and clarifies the circumstances in which the Live Local Act applies. Among its significant land-use changes, the legislation:

- extends Live Local requirements to qualifying property owned by a county, municipality, or school district;
- extends the Act to property larger than three acres owned by a religious institution that has contained a house of public worship for at least 10 years, regardless of the underlying zoning;
- temporarily allows qualifying developments to include certain assemblages of commonly owned or controlled parcels separated by no more than 15 feet;
- prohibits local governments from using setbacks, stepbacks or other dimensional requirements to effectively reduce the building height otherwise authorized by the Act;

- excludes farms and farm operations from the commercial, industrial and mixed-use zoning classifications that trigger the Live Local requirements;
- excludes certain open-space areas, areas of critical state concern, and property subject to conservation easements; and
- addresses application of the Act to development near airports and airport noise zones.

The legislation also allows applicants that submitted qualifying project documentation before July 1, 2026, to proceed under the prior law or revise their applications to take advantage of the 2026 changes.

HB 1389 additionally amended the Florida Fair Housing Act to clarify that discrimination in land-use decisions or development permitting based on the financing of an affordable housing development is prohibited and waived sovereign immunity for claims based on such discrimination.

Local Implementation and Litigation
The continued expansion and revision of the Live Local Act has created significant implementation issues for local governments. Cities must determine whether proposed developments qualify for the Act while also determining which local development regulations remain applicable. Increasingly, these questions are being addressed through litigation.

One of the most significant cases involves Bal Harbour Shops and the Village of Bal Harbour. The developer sued the Village over its proposed Live Local mixed-use development and the Village's application of local development requirements to the project. The litigation remains pending. In April 2026, following mediation, the Village Council rejected a proposed settlement and directed its attorneys to continue defending the case. The dispute raises broader questions concerning the extent to which local development regulations may be applied to a project claiming Live Local's statutory development entitlements.

Live Local litigation is also occurring elsewhere in the state. Sarasota County is currently defending four lawsuits involving disputes over whether properties the County considers rural, open-use, or residential qualify for development under the Act because their zoning classifications permit certain nonresidential uses. The proposed developments collectively involve thousands of residential units, and the cases also raise questions concerning the effect of the Legislature's subsequent amendments on pending applications.

Hillsborough County has taken a different approach, filing an action against the State of Florida seeking judicial construction and clarification of the Live Local Act. The County's complaint raises issues concerning the relationship between the Act and local comprehensive planning, existing development approvals, and other land-use requirements.

The Legislature has also expressly recognized the growing importance of Live Local litigation. Beginning November 1, 2026, municipalities must annually report Live Local litigation and qualifying projects to the state land planning agency. The statute also provides for prevailing-party attorney fees and costs, subject to a $250,000 cap, in specified Live Local litigation.

These cases should be closely monitored because judicial interpretations may resolve ambiguities in the Act or identify issues that could become the subject of further legislation.

Potential 2027 Legislative Issues

The Live Local Act has been amended during each legislative session since its enactment, and implementation of the 2026 changes may generate additional proposals during the 2027 Legislative Session.

Cities should monitor proposals that would further expand the Act's preemption of local land-use authority or restrict application of local development standards to qualifying projects. Particular issues may include height and compatibility standards, setbacks and stepbacks, infrastructure capacity, administrative approval requirements, qualifying zoning classifications and properties, parking, and litigation and attorney-fee exposure.

At the same time, implementation and ongoing litigation may identify areas where statutory clarification is warranted. The Bal Harbour, Sarasota, and Hillsborough County cases illustrate unresolved questions concerning which properties qualify for Live Local development and which local development regulations continue to apply once a project qualifies.

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SOUTH FLORIDA

South Florida Dirt: The story behind a closed loophole in latest Live Local tweak bill

Updated state law closed loophole tied to sovereign immunity

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Ron DeSantis and Michael Wohl (Getty)

JUL 5, 2026, 1:00 PM EDT

By Katherine Kallergis

Buried in Florida House Bill 1389 is a provision that, in a way, removes protections that local governments have in lawsuits filed against them.

The bill, recently signed into law by Gov. Ron DeSantis, expands the definition of a “person” under the fair housing section of the law. A person now also includes agencies, government entities and other legal or commercial entities, a move that is meant to discourage cities and other local governments from challenging Live Local Act applications.

If the court finds that a person (or, ahem, a city or county) has engaged in a discriminatory housing practice, the court has to issue an order banning that practice and providing relief to the plaintiff.

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Court, and when that didn't go his way, he worked to have the law changed so that cities or counties can't block affordable or workforce housing developments using sovereign immunity as a defense. Sovereign immunity is a legal doctrine that protects governments without their explicit consent.

"We're proud we spent a lot of time and money getting this done," including hiring lobbyists and meeting with legislators, Wohl told me. "It was very important to me that no one ever experienced this again."

The Live Local Act tweak bill expands which sites qualify, to include land owned by counties, municipalities, school districts and certain religious institutions, regardless of zoning. It requires local governments or school districts that own the land to be parties to project applications, imposes similar requirements on religious institutions while requiring houses of worship to remain in operation. The bill also bars counties from using setbacks or stepbacks to effectively limit building height, among other things.

Live Local incentivizes developers who set aside at least 40 percent of their residential units in a project to households earning up to 120 percent of the area median income. Local governments are required to administratively approve these projects so long as they meet the criteria. The incentives include height and density bonuses, tax and parking breaks.

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The state has continued to expand Live Local since it was passed in 2023, stripping local municipalities of their authority.

The latest reforms come at a time when some South Florida cities are trying to challenge the workforce housing law, or continuing their fights against specific projects. Late last month, the Miami City Commission unanimously approved a measure directing its city attorneys to explore legal challenges to Live Local.

Wohl touted other aspects of the tweak bill, like the inclusion of school district land. As public school districts announce closures due to the expansion of the state's voucher system, these sites could become mixed-use developments with workforce or affordable housing targeting teachers, he said.

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What we're thinking about: The Toledanos' (BH Group) reach continues to expand in South Florida, with a planned redevelopment of the Hollywood Beach Resort. With more projects typically come more lawsuits: we reported on a business-turned-personal dispute Isaac Toledano is tied up in with a former partner. Where does the firm go from here? Send me a note at kk@therealdeal.com.

Mar 9, 2026 - News

Hillsborough County sues state over Live Local Act



Yacob Reyes

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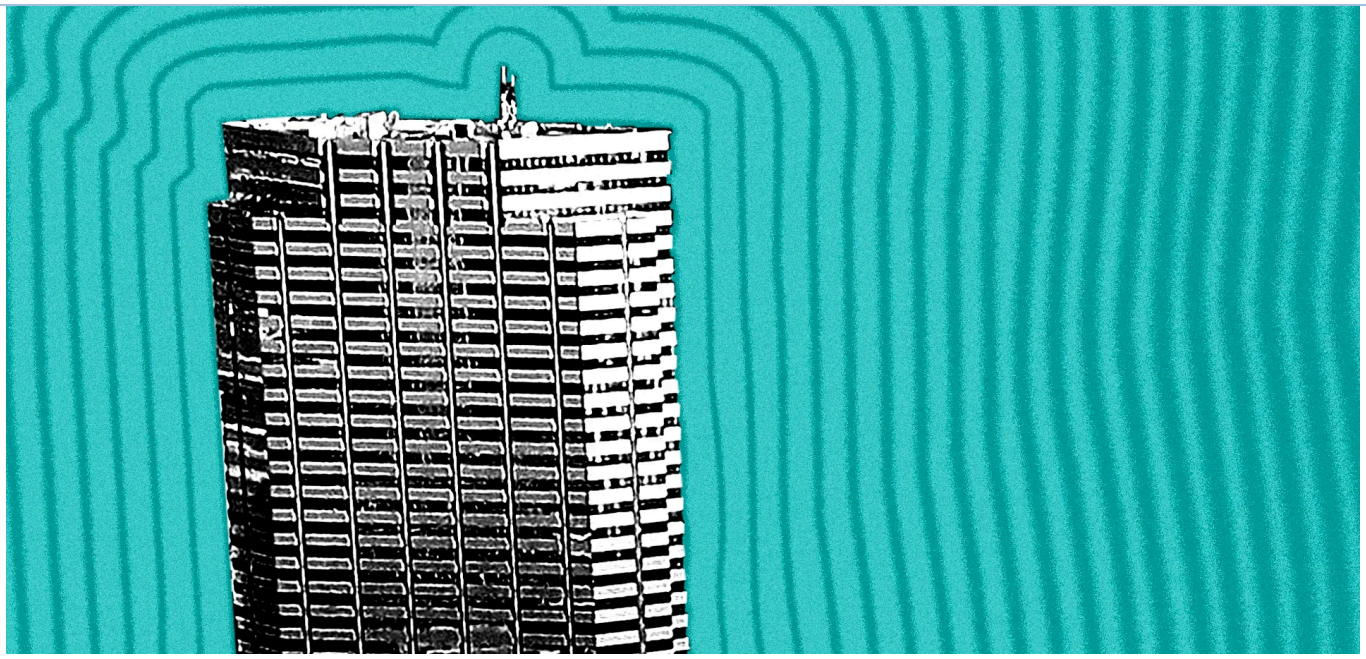


Photo illustration: Brendan Lynch/Axios. Photo: Mike Ehrmann/Getty Images

Hillsborough County sued the state over the constitutionality of a 2023 law that preempted local governments' authority over development in an effort to expand the supply of affordable housing.

Why it matters: Local governments have long been on the losing end of a tug-of-war with Tallahassee over home rule, with the state having wrested control of everything from guns to immigration.

- Land use is the latest front.

Driving the news: Hillsborough County's lawsuit comes as the state Legislature looks to expand the law at the center of the dispute.

- The Live Local Act, which Gov. Ron DeSantis signed in 2023, is designed to encourage the development of affordable housing by cutting through the red tape imposed by local governments.

- It requires cities and counties to allow affordable housing developments in any area zoned for commercial, industrial or mixed use — bypassing public hearings and notice to neighbors.

Commissioner Joshua Wostal (R).

- The county argues that the Live Local Act places it in an "untenable position," violating the state Constitution's due process guarantees by depriving affected property owners of an opportunity to be heard.

- It also argues that the Live Local Act unconstitutionally lets developers ignore agreements negotiated with the county over land use, which it calls "an overburdensome, unreasonable impairment of contract."

What they're saying: Wostal announced the filing on X, saying that he has had "enough of these greedy multifamily developers ... destroying our communities, all while forcing us to subsidize them."

- "It's in the court's hands now," he added.

The other side: The governor's office did not respond to Axios' request for comment.

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Community Redevelopment Agencies (CRAs)

Community Redevelopment Agencies (CRAs)

Background
Community Redevelopment Agencies (CRAs) are local entities created under Part III of Chapter 163, Florida Statutes, to address slum and blighted areas through redevelopment and public and private investment. CRAs may undertake infrastructure improvements, streets and utilities, parks and public spaces, affordable housing, property acquisition and redevelopment, and other activities included in an approved community redevelopment plan.

CRAs are primarily funded through tax increment financing (TIF). When a CRA is established, a base year is set for property values within the redevelopment area. As property values increase, generally 95% of the increase in property tax revenues above the base-year amount is deposited by participating taxing authorities into the CRA's redevelopment trust fund and reinvested within the redevelopment area. TIF does not impose a new tax or increase the applicable millage rate; instead, it dedicates a portion of future property-tax growth to redevelopment.

CRAs remain an important redevelopment tool for many Florida cities. Projects may include roads, drainage and utility improvements, streetscapes, parks, affordable and workforce housing, and incentives designed to attract private investment to areas experiencing slum or blight. Last year's FLC background similarly identified infrastructure, economic development and affordable housing as significant CRA functions.

Existing Oversight and Limitations
Florida law imposes significant accountability and transparency requirements on CRAs. Following reforms enacted in 2019, CRAs must annually report financial and performance information, publish specified information and maps online, comply with ethics requirements, and observe statutory restrictions on expenditures of redevelopment trust fund revenues.

State law also establishes a termination framework. A CRA existing on October 1, 2019, generally terminates on the expiration date contained in its charter as of that date or September 30, 2039, whichever occurs earlier, unless the county or municipality that created the CRA approves its continued existence by majority vote. Special provisions apply to outstanding bonds extending beyond the termination date.

Recent Legislative Activity
During the 2025 Legislative Session, **CS/CS/HB 991** and **CS/SB 1242** proposed significant restrictions on CRA authority. As initially proposed, the legislation would have prohibited creation of new CRAs, restricted new projects and debt, and required existing CRAs to terminate by September 30, 2045.

The Senate proposal was substantially amended. The final version would have required the governing body that created a CRA to serve as the CRA board, prohibited expansion of CRA boundaries or extension of the termination date in a redevelopment plan, and imposed additional restrictions on CRA activities and expenditures. The legislation ultimately died on the Senate calendar and did not become law.

The 2025 legislation nevertheless demonstrates continued legislative interest in CRA governance, duration, boundaries, expenditures, debt, and use of TIF revenues.

No proposals impacting CRAs were filed during the 2026 Session.

Potential 2027 Legislative Issues

For the 2027 Legislative Session, cities should monitor whether proposals similar to the 2025 CRA legislation return, including restrictions on creation or continuation of CRAs, governing-board structure, redevelopment-area boundaries, plan extensions, permissible expenditures, debt, or use of TIF revenues.

Recent city-county disputes may also generate proposals addressing the statutory process for creating, extending, or financing CRAs. In particular, changes to the 120-day delegation process in charter counties, county participation in municipal CRA trust funds, or the ability to extend existing CRAs could significantly affect municipal redevelopment programs.

On September 21, 2026, the *South Florida Business Journal* reported that the City of Miami is considering litigation against Miami-Dade County over the proposed CRA. The dispute involves a redevelopment plan projected to direct approximately $243 million in TIF revenue over 30 years to Allapattah.

Miami to consider suing county over Allapattah redevelopment plan



Miami City Hall, at 3500 Pan American Drive.
MARK DOVICH / SOUTH FLORIDA BUSINESS JOURNAL

By Mark Dovich – Reporter, South Florida Business Journal
Sep 21, 2026

The City of Miami could take Miami-Dade County to court in a dispute over efforts to set up a new government agency to support growth in Miami's Allapattah neighborhood.

At a meeting Sept. 24, members of Miami's City Commission will consider a resolution that would authorize and direct the city attorney to take legal action against Miami-Dade County over what the resolution described as the county's "continued challenge to the legal existence and operation" of the Allapattah Community Redevelopment Agency. It would require a four-fifths vote to pass. The City of Miami could take Miami-Dade County to court in a dispute over efforts to set up a new government agency to support growth in Miami's Allapattah neighborhood.

At a meeting Sept. 24, members of Miami's City Commission will consider a resolution that would authorize and direct the city attorney to take legal action against Miami-Dade County over what the resolution described as the county's "continued challenge to the

legal existence and operation" of the Allapattah Community Redevelopment Agency. It would require a four-fifths vote to pass.

The dispute stems in part from the county's contention that there are more effective ways to use public money to support growth in Allapattah than through a CRA, according to a Sept. 11 letter from the county to the city, obtained by the Business Journal.

In the letter, Miami-Dade County Chief Administrative Officer Carladenise Edwards gave City of Miami officials a notice of competing policy goals, a formal objection under Florida law.

"In light of the county's current obligations, fiscal priorities and the potential statewide fiscal impacts associated with the implementation of Amendment 3, establishing a new community redevelopment agency is not appropriate at this time," she wrote, referencing a proposed constitutional amendment to expand Florida's homestead tax exemption.

The letter specifically names the Strategic Miami Area Rapid Transit program – a multibillion-dollar, countywide mobility initiative – among other priorities.

Typically, a notice of competing policy goals such as this requires city and county officials to hold a joint hearing within 90 days to bridge their differences. However, Thursday's resolution, if approved, would bypass that meditation process and allow the city to proceed directly to litigation.

Speaking with the Business Journal, City Commissioner Miguel Angel Gabela, whose district includes Allapattah, expressed frustration over the county's notice of competing policy goals.

"We've been at it for two years and a half. We've been holding meetings for months now. We have passed a bunch of resolutions, and they show up at the 11th hour," he said. "This is not fair to the people of Allapattah. … The residents of Allapattah deserve progress, like everybody else."

A spokesperson for Miami-Dade County Mayor Daniella Levine Cava told the Business Journal the mayor's office had no comment beyond what is outlined in the Sept. 11 letter, as well as in a March 13 letter from Ray Baker, director of the Miami-Dade County Office of Management and Budget, to Miami City Clerk Todd Hannon.

In the March 13 letter, a copy of which was also obtained by the Business Journal, the county asked for a 120-day extension as it considered the city's request for an Allapattah CRA. An extension would require mutual consent by both the county and city. According to a timeline included in the preamble to Thursday's resolution, the city did not agree to that extension.

For their part, members of Miami's City Commission voted to approve the creation of the Allapattah CRA earlier this year after years of talks. A formal redevelopment plan, also

approved by city commissioners, calls for $243 million in investments in Allapattah over the CRA's 30-year lifespan, funded by revenue from tax increment financing on properties in the new 1,661-acre district. That includes $90 million for infrastructure improvements, $75 million for affordable housing initiatives, $45 million for economic development programs and $33 million for community facilities.

In Florida, CRAs are public entities that use taxpayer money to revamp blighted or distressed areas. This can include buying, selling and leasing property, as well as offering tax increment financing, grants and loans, among other incentives.

Experts previously told the Business Journal a CRA could help boost growth in Allapattah, which has already seen a wave of redevelopment in recent years. The largely working-class neighborhood is located just north of the Health District and immediately west of Wynwood, both fast-growing areas. Allapattah's median annual household income of $36,000 is less than half the countywide median of $73,000.

A separate resolution, also on the agenda for Thursday's City Commission meeting, would authorize and direct the city manager to create a neighborhood revitalization fund for Allapattah, pending the outcome of any litigation with Miami-Dade County over the CRA. That fund would allocate $8 million a year for five years to the neighborhood.
https://www.bizjournals.com/southflorida/news/2026/09/21/miami-county-allapattah-cra-resolution-preview.html



Agricultural Enclaves

Development of Agricultural Enclaves

Draft Statement
The FLC supports not expanding HB 691/SB 686 or similar legislation to municipalities that would further restrict a municipality's ability to review, regulate, or require rezoning of agricultural enclaves seeking development approval.

Background
Florida law provides a special development process for certain agricultural property that has become substantially surrounded by urban development. Section 163.3164, Florida Statutes, defines an "agricultural enclave" as qualifying "unincorporated, undeveloped" property meeting specified statutory criteria.

The requirement that an agricultural enclave be unincorporated predates the 2026 legislation. Accordingly, Florida's agricultural-enclave law applies to qualifying property located outside municipal boundaries and does not apply to agricultural property located within a city.

Before 2026, the owner of an agricultural enclave could apply for an amendment to the local government's comprehensive plan. The law provided certain presumptions and procedures intended to facilitate the transition of qualifying agricultural property to development while retaining the comprehensive plan amendment process.

2026 Session – SB 686
CS/CS/CS/SB 686 (McClain), Agricultural Enclaves, became Chapter 2026-34, Laws of Florida, effective July 1, 2026. The legislation substantially revised the process for developing qualifying agricultural enclaves. Although SB 686 amended and expanded the definition of an agricultural enclave in several respects, the Legislature retained the existing requirement that the property be "unincorporated." As a result, the new process does not apply to property located within municipal boundaries.

For qualifying unincorporated property, SB 686 establishes a new certification and development process. The local government must hold a public hearing on an application for certification and generally has 90 days to approve or deny the application; otherwise, the property must be certified as an agricultural enclave. Once certified, the owner may submit plans for single-family residential development consistent with the land-use requirements or future land-use designations—including uses, density, and intensity—of qualifying adjacent property or development. The proposed development must then be treated as a conforming use notwithstanding the local government's comprehensive plan, future land-use designation, or zoning. The subsequent development-review process generally may not exceed 180 days or require an additional quasi-judicial proceeding or public hearing.

In practical terms, SB 686 can allow qualifying agricultural property, once certified, to transition to residential development based on the land-use characteristics of adjacent property rather than through the comprehensive plan amendment or rezoning process that might otherwise be required. For example, if a qualifying agricultural enclave is adjacent to a residential development permitting four homes per acre, the owner may be able to propose residential development at that density without obtaining a subsequent comprehensive plan amendment or rezoning or undergoing an additional quasi-judicial public hearing.

Municipal Considerations Potential 2027 Issues

The changes enacted by SB 686 are scheduled to expire January 1, 2028, making agricultural enclaves a potential issue for the 2027 Legislative Session. The Legislature could allow the changes to expire, extend or modify them, or make them permanent.

A key municipal concern is whether future legislation could expand the agricultural-enclave process by removing or modifying that limitation and applying it to property within municipal boundaries.

Such an expansion could restrict a municipality's ability to apply its comprehensive plan, land development regulations, infrastructure standards, and other locally adopted development policies when agricultural property transitions to urban or suburban development. These transitions can significantly affect surrounding neighborhoods, transportation systems, stormwater, utilities, public safety, infrastructure capacity, and other municipal services.

If the Legislature revisits the agricultural-enclave law, municipalities will want to preserve their existing authority to evaluate proposed land-use changes within their boundaries and ensure that development is consistent with locally adopted plans, land development regulations, infrastructure needs, and the community’s long-term development vision.

New law makes it easier to pave over Florida farmland

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File/WGCU

Landowners can now turn certain farms and timberland into business parks, suburbs despite local objections.

Editor's note: This article was originally published by The Florida Trib.

An industry-backed state law that takes effect July 1 will make it easier for developers to turn farmland into suburban subdivisions over the objections of local governments and communities.

The bill's sponsors say they're defending Floridians' property rights. Environmental activists say it's the latest step the state legislature has taken to speed suburban sprawl and weaken local power to regulate zoning and environmental protections.

The law, SB 686, paves the way for landowners to build homes and businesses in "agricultural enclaves," tracts of farmland surrounded on 75% of their boundaries by

WGCU-FM News Stream
Fresh Air

urban development or highways. These landowners can turn farms and timberland into suburbs and business parks, no matter what the local zoning plan or the community says.

The law authorizes single-family homes, but not apartment buildings, in agricultural enclaves next to neighborhoods or land zoned for future development. If the surrounding properties have commercial or industrial buildings, landowners can build those, too.

Once a landowner applies for an agricultural enclave designation, local governments must hold a public hearing and approve or deny the request within 90 days, or it will be approved automatically. Landowners can appeal denials to a circuit court.

The law expires Jan. 1, 2028, giving landowners 18 months to act.

“Our main concern is that it will help to proliferate sprawl in Florida, moving the urban area into areas that are currently agricultural or natural without requiring those landowners to undergo the same type of public hearings and public planning efforts that other landowners would have to go through,” said Kim Dinkins, policy and planning director for 1000 Friends of Florida, a nonprofit that promotes land conservation and denser urban development.

The law’s House sponsor, Bonita Springs Republican Adam Botana, said he supported the bill to stick up for landowners facing unreasonable red tape from local governments.

“Sometimes certain municipalities and counties get a little big for their britches, and they need to be either restricted or cut back,” he said.

Anna Eskamani, a Democratic House member from Orlando who voted against the law, said local oversight is critical to rein in “large special interests that are able to influence the legislature to create land use policies that are in their favor.”

“Once you lose farmland and pasture land to development, it never goes back,” she said. “We are just at so much risk in Florida of building over everything.”

Paving future conservation land

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Botana said the law addresses critics' environmental concerns by forbidding landowners to apply for an agricultural enclave designation in the Everglades Protection Area, the Wekiva Study Area and other environmentally sensitive spots listed as "areas of critical state concern," including Big Cypress, the Green Swamp Area and the Florida Keys.

Military installations and ranges, land under a conservation easement and all of Miami-Dade and Broward counties are also exempt.

But environmentalists say those limits don't go far enough.

"You have environmental ecosystems everywhere in the state that might not be labeled as of critical concern, but are important to drainage, flood prevention, threatened species and quality of life," said Eskamani.

There are millions of acres of farms and ranches in the Florida Wildlife Corridor that the state hasn't bought or put under a conservation easement yet. Dinkins said the agricultural enclave law makes it easier to develop "vulnerable areas at the urban fringe" that could be important to conserve one day.

"We ought to be doing what we can to keep those farms viable because they provide a buffer from rampant development," said Smart. "But that's not what we're doing. This legislation makes it easier to pave it over."

'Everybody has a boss'

The state legislature's nonpartisan analysis of the law's impact doesn't say how many potential agricultural enclaves there are in Florida. But Botana said there are "probably, in total, five or 10" cases where Florida landowners might use the agricultural enclave designation.

"You have cities or counties that don't want to change the rights for that person. They just say, 'No, we want to keep this little green area,'" Botana said, adding, "When that happens, people come and say, 'Hey, this is unfair.'"

Botana declined to say whether he heard that from specific landowners or whether the bill was designed to grease the wheels for a particular development. Big business groups including the Associated Industries of Florida supported the bill.

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"Everybody has a boss, right?" Botana said. "At the end of the day, it's the people who put you in office."

Limiting local government

Environmentalists say the agricultural enclave law is part of a bigger project in Tallahassee to weaken local governments and empower developers.

The legislature passed the Live Local Act in 2023, allowing developers to ignore zoning, density and height restrictions for projects that include affordable housing. Lawmakers amended or expanded the measure in 2024, 2025 and 2026. Last year, they passed SB 180, barring local governments from creating any new development rules "more restrictive and burdensome" than existing requirements, effectively freezing local zoning.

"There's been so much legislation in the last few years to help developers develop more quickly, with less public oversight and we would say more recklessly, while undermining local community planning processes," said Gil Smart, policy director of the nonprofit Friends of the Everglades.

Ocala Republican Stan McClain, who sponsored the agricultural enclave bill in the state senate, introduced another bill this year that would allow developers to build mega-projects totalling more than 10,000 acres on rural land without local zoning approval or public hearings. The "Blue Ribbon Projects" bill failed to pass a committee vote.

But the agricultural enclave law may offer hope for supporters of the Blue Ribbon Projects bill. When McClain first introduced the agricultural enclave bill in 2025, it narrowly lost a committee vote. He reintroduced the bill this year and it passed overwhelmingly.

"Bad ideas in Tallahassee never truly die. They're just resurrected in the next legislative session," Smart said. "I fully expect to see the Blue Ribbon Projects bill back."

Nicolás Rivero is an environmental accountability reporter at The Florida Trib. He can be reached at nicolas.rivero@floridatrib.org. The Tributary is a nonprofit newsroom producing high-impact government accountability and investigative journalism in the public interest. Based in Jacksonville, the Florida Trib's mission is to shine a light on

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Key Dates

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2026 - 2027 Key Legislative Dates

November 2026

13	FLC Legislative Policy Committee Meetings (Round 2), Hilton Orlando, 6001 Destination Pkwy, Orlando, FL 32819
17	Florida House and Senate Organization Session
18-21	NLC City Summit, Nashville, TN
30-Dec. 3	Florida House and Senate Interim Committee Meetings

December 2026

3-4	FLC Legislative Conference, Renaissance Orlando at SeaWorld, 6677 Sea Harbor Dr, Orlando, FL 32821 (Round 3 of Legislative Policy Committees will be on Dec. 3)

January 2027

4-7	Florida House and Senate Interim Committee Meetings
11-14	Florida House and Senate Interim Committee Meetings

February 2027

1-4	Florida House and Senate Interim Committee Meetings
8-11	Florida House and Senate Interim Committee Meetings
15-18	Florida House and Senate Interim Committee Meetings
23	FLC Legislative Session Preview Webinar, 2:00 p.m. ET

March 2027

2	Regular Legislative Session Convenes
8-10	FLC Legislative Action Days, Tallahassee, FL
15-17	NLC Congressional City Conference, Washington, DC

April 2027

30	Last Day of Regular Legislative Session

May 2027

5	FLC Legislative Session Review Webinar, 2:00 p.m. ET

For further details about the mentioned events or legislative information, contact *medenfield@flcities.com*.



Notes



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