

Live Local Act Amendment: March 2026

3.19.26

On March 13, 2026, the Florida House and Senate approved House Bill 1389, which amends the Live Local Act (the "Act"). The bill is now pending the Governor's signature and is summarized below.

- Allows the Act to be used for projects on land owned by counties, municipalities, school districts and religious institutions (subject to certain requirements, e.g., the religious institution contains a house of public worship that has been in existence for at least 10 years and will continue to operate after construction of the proposed development), provided that the applicable owner entity is a party to the project application.
- Provides that an assemblage of properties qualifies under the Act even if the assemblage is separated by public pedestrian access as long as the access is no greater than 15 feet.
- Provides that the height preemptions under the Act may not be circumvented by the adoption of stricter setbacks or "other dimensional means."
- Excludes from the definition of "commercial use" and "industrial use" certain farms and farm operations.
- Excludes from the provisions of the Act certain land designated as "open space," areas of "critical state concern" under Fla Statutes and land encumbered by conservation easements.
- Provides that the provisions of the bill are "intended to be remedial and clarifying in nature and apply retroactively to 1/1/24."
- Excludes from the real estate tax exemptions of the Act "individual detached single-family residences" (such as a single family home community owned by one entity) and parcels separated by more than 200 feet of land.
- Provides that, in order for a county to opt-out of the real estate tax exemptions under the Act, it must prove that it has surplus affordable housing in its jurisdiction and had such surplus "for each of the previous 3 years."
- Provides that a project receiving a building permit on or after July 1, 2026 is grandfathered-in regarding being eligible to obtain a real estate tax exemption under the Act (including annual renewals of same) as long as the building permit is issued within 4 years before the applicable county opts-out of the real estate tax provisions of the Act (applicable starting with 2027 real estate tax year).
- Retains the provision that allows applicants to opt-out of the 2026 amendments to the Act, provided they give notice of same before July 1, 2026.
- If the Governor signs the bill, it becomes law July 1, 2026.

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