

# 2025 Florida Live Local Act (SB1730) Passed: Updates and Impacts

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Senate Bill 1730 ("SB1730") was passed by the legislature on May 1, 2025, and will become law on July 1, 2025, unless signed earlier or vetoed by the Governor. SB1730 amends critical portions of the Live Local Act in Fla. Stat. § 125.01055 for counties, and 166.04151 for municipalities (aka cities, towns, villages, etc.). The goal of the Live Local Act is to support an increase in affordable housing throughout the State of Florida.

Based on our statewide experience with Live Local applications the last couple of years, we knew SB1730 (preceded by HB943) was needed to make a narrow, but critical update, that provides a clearer guide to both the private and public sectors. Specifically, both sides needed direction on how to implement the Live Local Act in the real world to make it work more as intended by the prior acts SB102 (2023) and SB328 (2024). The clarifications are very deliberate and remove grey areas that were being used to stop affordable projects. This bill will no doubt streamline applications for much needed workforce housing across Florida.

Note, SB1730 includes no changes to the Live Local Act Middle Market Tax Exemption of Fla. Stat. 196.1978 ("Tax Exemption"). Notwithstanding, updates to the Tax Exemption are included in House Bill 7033 ("HB7033" or "House Tax Package"). HB7033 is still pending before the legislature.

## **Live Local Act Fla. Stat. Sections 125.01055 (Counties) & 166.04151 (Municipalities) Amendments**

**1. 100% Administrative Approval, No Board Review:** Language created to avoid any doubt that all LLA projects shall be administratively approved without "any quasi-judicial or administrative board of the reviewing body".

**2. Live Local Act Projects in PUDs:** LLA is expanded to include Planned Unit Development "PUD" parcels as defined in Fla. Stat. 163.3202(5)(b).

**3. New Prescriptive Definitions:** The following prescriptive definitions now avoid inconsistent implementation. For example, LLA projects can no longer be rejected if a zoning district is clearly "Mixed Use".

- a. "Commercial Use"
- b. "Industrial Use"
- c. "Mixed Use"
- d. "Planned Unit Development"
- e. "Allowable Density"
- f. "Floor Area Ratio" (now includes lot coverage)

\*\*\*The full language for each term in paragraph 2 and 3 above, is provided in a definitions section at the end of this article.

**4. Demolition Administrative Approval:** Local government must administratively approve the demolition of an existing structure associated with a LLA project, without further action by the board commissioners or any quasi-judicial or administrative board or reviewing body, if the proposed demolition otherwise complies with all state and local regulations.

**5. Historic Properties - Design and Facades:** "If the proposed development is on a parcel with a contributing structure or building, within a historic district which was listed in the National Register of Historic Places before January 1, 2000, or is on a parcel with a structure or building individually listed in the National Register of Historic Places," then the local government "may administratively require the proposed development to comply with local regulations relating to architectural design, such as facade replication, provided it does not affect height, floor area ratio, or density of the proposed development.

**6. Historic Properties - Height Limits:** Parcels that contains a contributing structure or building within a historic district listed in the National Register

of Historic Places before January 1, 2000, or is on a parcel with a structure or building individually listed in the National Register of Historic Places, may be restricted to the highest building height currently allowed, or allowed on July 1, 2023, within a reduced radius of  $\frac{3}{4}$  mile.

**7. Parking Reduction:** Requires 15% reduction (reduced from 20%) if any of the qualifications are true (rather than requiring all three to be true as currently drafted) – (1) within  $\frac{1}{4}$  mile of transit stop accessible from the development; (2) within  $\frac{1}{2}$  mile of major transit hub; or (3) has available parking within 600 feet of project.

**8. Attorneys' Fees Awards and Lawsuit Priority:** Creates prevailing party attorney fees and costs, including reasonable appellate attorney fees and costs, for challenges related to the LLA, capped at \$250,000. Also, requires priority processing of civil actions filed against a local government for a violation of LLA. This section provides a meaningful means of enforcement and recovery of fees

**9. Protection Increase - Single-Family Homes:** LLA projects, adjacent on two or more sides to single-family residential with at least 25 contiguous homes, are now restricted to a max of 10 stories, irrespective of taller adjacent heights or zoned heights within 1-mile. Adjacent now excludes properties separated by a body of water and public roads.

**10. Protection Increase - Sensitive Environmental Areas:** In addition to prohibition against LLA projects in airport-impact areas (Fla. Stat. 333.03) and recreational or commercial working waterfront (Fla. Stat. 342.201(2)(b)) in any area zoned industrial, LLA shall also now be prohibited in the Wekiva Study Area and the Everglades Protection Area.

**11. Additional Local Government Restrictions:**

a. Density Transfer: Administrative approval of max density cannot require approval of transfer of density or development units.

b. Regional Impact Amendment: Amendments to Developments of

Regional Impact ("DRI's) cannot be required for the approval of a LLA project.

c. Charter Amendments: Municipalities cannot require amendments to a municipal charter relating to LLA building height, zoning, and densities. Note, no such language in Fla. Stat. 125.01055 to restrict counties.

d. Mixed-use Requirements Greater than 10%: Cannot require mixed-use LLA projects to include more than 10% of the total square footage as nonresidential.

e. Development Maximums Set as of July 1, 2023 (date of SB102): Clarifies that density (unit count), FAR, and height maximums benchmarks are set to the "least restrictive" of either the highest currently allowed, or allowed as of July 1, 2023. This clarification nullifies actions taken to downzone or lower maximums by local governments since the passage of the original Live Local Act (SB102).

f. Moratorium Restrictions: Restricts moratoria to no longer than 90 days in any three year period and requires assessment of housing needs for the next five years to be published and presented at the same public meeting at which the moratorium is adopted. Exempts moratoria imposed to address stormwater and other water and sewer issues. Also includes a specific \$250,000 attorneys fee provision for prevailing party to a moratoria challenge. In other words, local governments now have to justify the moratoria through planning tools and face paying attorneys' fees.

g. Annual Report Requirements: Beginning November 1, 2026, local governments must provide annual reports which include a summary of any LLA related litigation and a list of all LLA projects proposed.

### **\*\*\*Definitions of Terms**

1. "Planned unit development" or "master planned community"

a. As per Fla. Stat. 163.3202(5)(b), means "an area of land that is planned and developed as a single entity or in approved stages with uses

and structures substantially related to the character of the entire development, or a self-contained development in which the subdivision and zoning controls are applied to the project as a whole rather than to individual lots".

## 2. "Commercial use"

a. "... means activities associated with the sale, rental, or distribution of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as retail sales; wholesale sales; rentals of equipment, goods, or products; offices; restaurants; public lodging establishments as described in s. 509.242(1)(a); food service vendors; sports arenas; theaters; tourist attractions; and other for-profit business activities. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered commercial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include home-based businesses or cottage food operations undertaken on residential property, public lodging establishments 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. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not commercial use, irrespective of how they are operated."

## 3. "Industrial use"

a. "... means activities associated with the manufacture, assembly, processing, or storage of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as automobile manufacturing or repair, boat manufacturing or repair, junk yards, meat packing facilities, citrus processing and packing facilities, produce processing and packing facilities, electrical generating plants, water treatment plants, sewage treatment plants, and solid waste disposal sites. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered industrial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include uses

that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not industrial use, irrespective of how they are operated."

#### 4. "Mixed use"

a. "... means any use that combines multiple types of approved land uses from at least two of the residential use, commercial use, and industrial use categories. The term does not include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not mixed use, irrespective of how they are operated."



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