

**Date:** March 25, 2026

**To:** Development Services, RER

**From:** Eric Silva, AICP Assistant Director  
Development Services Division  
Department of Regulatory and Economic Resources

**Subject:** Implementation and Interpretations of the Live Local Act Update of Memorandum Dated June 26, 2024, to Clarify Amendments in Senate Bill 328 (2024), Senate Bill 1730 (2025), and HB 1389 (2026) adopted by legislature but not yet signed by governor. – Memo will be updated after it is signed. - Changes shown in red.

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The Florida Legislature enacted the Live Local Act (Senate Bill 102) in 2023, to promote affordable housing by preempting certain local zoning and land use regulations. The Act has since been amended by Senate Bill 328, in 2024; **Senate Bill 1730, in 2025; and subsequent House Bill 1389, in 2026.** The latest amendment introduced refinements related to height, floor area ratio, parking, adjacency requirements, places of worship and eligible sites.

This memorandum consolidates and supersedes prior guidance memoranda to provide a unified interpretation of all current Live Local Act provisions for implementation within Miami-Dade County.

### **Statutory Requirements:**

Affordable multifamily and mixed-use residential developments must be approved if they meet certain conditions.

To qualify for approval, a development must:

1. Be located on property zoned commercial, industrial, mixed use, or within a planned unit development (PUD) that permits those uses.
2. Reserve at least 40% of residential units as affordable rentals (as defined in Section 420.0004, F.S.) for a minimum of 30 years.
3. No additional approvals may be required, including:
  - Zoning or land-use changes,
  - Special exceptions, variances, conditional uses,
  - Transfers of density/development units,
  - Amendments to a DRI,
  - Charter amendments, or
  - Comprehensive plan amendments
4. For mixed-use projects:
  - At least 65% of total floor area must be residential, and
  - No more than 10% may be required to be non-residential
5. **May be located on property owned by a religious institution that contains a house of worship or is contiguous to such property. Developments shall comply with applicable affordability requirements as provided by state law. Approval shall be processed in a manner consistent with**

Florida Statutes and shall not be subject to discretionary review by the Board of County Commissioners except as expressly authorized by state law.

Qualifying projects are subject to administrative approval and are not required to obtain rezoning, variances, special exceptions, or comprehensive plan amendments for use, density, or height to the extent authorized by state law, provided the project satisfies all statutory eligibility criteria. However, such projects must still comply with applicable building, life safety, and other non-preempted local regulations.

## 6. House Bill 1389 Updates (2026)

The following applies to qualifying applications submitted on or after July 1, 2026, per HB 1389:

- Requires local governments to authorize Live Local residential uses on:
  - Property owned by local governments; or
  - Property owned by school districts; and
  - Property  $\geq$  3 acres owned by religious institutions for at least 10 years regardless of underlying zoning
- Prohibits local governments from restricting Live Local project heights through “dimensional means,” such as through certain setback or stepback requirements.
- Clarifies that farms and farm operations (as defined in Section 823.14(3), Florida Statute) are:
  - Not considered commercial or industrial use under the Live Local Act
- Establishes exclusions from Live Local applicability, including:
  - Areas of Critical State Concern
  - Certain open space / park zoning districts
  - Portions of property under recorded conservation restrictions

### Implementation Guidance:

1. **Eligible Zoning Districts** → Properties zoned **BU, IU, RU-5, RU-5A** qualify, provided the zoning does not restrict residential use. Properties within **OPDs and PUDs** that allow commercial, industrial, or mixed uses also qualify. Agricultural (AU), Open Land, and Environmental Protection designations are excluded. In addition, where a property falls within a CDMP-designated Mixed-Use Corridor or Urban Center, the Residential Modified District (RMD) or Mixed-Use Corridor District (MCD) standards may be used, subject to FAR limitations as set forth in the CDMP (see Live Local Memorandum dated June 26, 2023).
2. **Density** → Local governments may not restrict density below the **highest allowed density** on unincorporated land or the highest density allowed as of July 1, 2023, whichever is greater. For Miami-Dade County, the maximum density is 250 dwelling units per acre in a Metropolitan Urban Center.
3. **Height**
  - **SB 102 (2023)** → Local governments may not limit height below the highest currently allowed for commercial or residential development within one mile, or three stories, whichever is higher.

- **SB 328 (2024)** → If adjacent on two or more sides to 25 or more contiguous single-family homes zoned for single family residential use, height may be limited to the lesser of:
  - 150% of the tallest adjacent building,
  - The maximum height allowed by zoning, or
  - Three stories.

“Adjacent” excludes properties separated by a public street.

- **SB 1730 (2025)** → Local governments must administratively approve the demolition of a structure related to a qualifying Live Local development if it complies with all applicable state and local regulations, without requiring additional action from the Board of County Commissioners or any other quasi-judicial or administrative reviewing body. However, if the proposed development is located on a parcel that includes a contributing structure or building within a historic district listed in the National Register of Historic Places before January 1, 2000, or on a parcel that contains a structure individually listed in the National Register of Historic Places, the local government may administratively require compliance with local regulations relating to architectural design, such as façade replication or preservation. These design regulations may not affect the height, floor area ratio, or density of the proposed development. This ensures the protection of historic character while maintaining the statutory development rights guaranteed under the Live Local Act.
4. **Floor Area Ratio (FAR)** → SB 328 (2024) preempted FAR limits. Local governments cannot restrict qualifying projects below 150% of the highest FAR permitted on any unincorporated land. Miami-Dade’s Urban Centers (Metropolitan and Community) have no FAR cap, setting the maximum threshold.

5. **Parking Requirements:**

- **Mandatory Reduction** → Local governments must reduce parking requirements by at least 15% for qualifying developments that meet any one of the following criteria:
    - Within ¼ mile of a transit stop.
    - Within ½ mile of a major transportation hub with available parking within 600 feet.
  - **Elimination of Parking** → Applies to mixed-use residential projects within transit-oriented areas recognized by the County (Urban Centers).
  - **Parking reductions are mandatory** when conditions are met and may not be offset by additional off-street parking requirements.
6. **Key Changes from the 2024 to 2025 Live Local Act** → SB 1730 (2025) prohibits local governments from adopting measures to undermine the Live Local Act including:
  - Restricting density, height, or FAR below the highest currently allowed or that allowed as of July 1, 2023.
  - Adopting charter amendments, moratoria, or local ordinances that specifically target Live Local Act Projects.
  - Imposing delays or procedural requirements beyond the administrative review process. Only one temporary moratorium (maximum 90 days) may be imposed in a 3-year period and only following a documented study.

7. **Administrative Review Process** → All Live Local Act applications must be processed through

Administrative Site Plan Review (ASPR). Projects remain subject to all applicable local, state, and environmental regulations, including concurrency, traffic, landscaping, and airport zoning under Article XXXVII. ASPR decisions may be appealed under Section 33-311(A)(2) of the County Code. No additional quasi-judicial or advisory board review may be required.

8. **Monitoring of Affordability** → Applicants must record restrictive covenants and submit an annual report.
9. **Ineligible Sites and Restrictions** → The Act does not apply to:
  - Properties within ¼ mile of a military installation or within airport impact areas.
  - Industrial parcels designated as recreational or commercial working waterfronts.
  - Properties inconsistent with the Comprehensive Development Master Plan (CDMP).
  - Properties within the Wekiva Study Area or Everglades Protection Area.
10. **Tax Incentives** → The amended statute authorizes property and sales tax exemptions for affordable housing and building materials. Applicants should contact the following for details:
  - Miami-Dade Property Appraiser
  - Miami-Dade Tax Collector
  - Florida Housing Finance Corporation
  - Florida Department of Commerce (formerly DEO)

SB 1730 (2025) also introduces annual reporting requirements for local governments to document Live Local projects and litigation. Developers may recover attorneys' fees (up to \$250,000) if prevailing in enforcement actions against local governments.

HB 1389 (2026) Allows applicants with pending Live Local applications to proceed under the prior version of the statute in effect at time of submittal. And requires local governments to allow applicants to amend pending applications to incorporate HB 1389 changes.

*This memorandum supersedes all prior Live Local Act interpretation memos and shall serve as the County's current administrative guidance for implementation.*