

Update on the Implementation of the Live Local Act

August 2025



Florida
TaxWatch





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DEAR FELLOW TAXPAYER,

In 2022, 35 percent of households in Florida were considered cost burdened, which meant they were spending 30 percent or more of their monthly income on housing expenses. These higher living costs affect taxpayers' disposable income and their ability to contribute more meaningfully to the economy. In 2024, Florida had a deficit of 323,219 affordable housing units for households earning between 0 to 30 percent of the Area Median Income (AMI). As the state's population increases, so does the demand for affordable housing. Continued development of housing options is critical for new residents moving into the state and for Florida's existing workforce.

In response to the state's affordable housing shortage, the Florida Legislature adopted the "Live Local Act" in 2023 and has since made several revisions to (1) broaden the scope of the Act; (2) clarify administrative approval processes; and (3) create legal remedies for development companies to pursue against local governments purposefully denying affordable housing project permitting requests. These ongoing efforts help streamline approvals for affordable housing projects and address recent setbacks experienced by development companies when working with local governments to provide more affordable housing inventory.

Creating incentives for affordable housing projects allows developers to create innovative communities that provide housing and other amenities for Floridians. Increasing affordable housing options also helps individual taxpayers pay less in monthly housing costs and creates new work opportunities.

Florida TaxWatch undertakes this independent research project to review the implementation of the Live Local Act and offer practical recommendations and policy options to create more affordable housing across the state. Through interviewing city officials and development company executives, we have discovered several aspects of the bill that are working well and areas for improvement to ensure it works even more effectively and more impactfully.

Respectfully yours,

A handwritten signature in black ink that reads "Dominic M. Calabro".

Dominic M. Calabro
President & CEO

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EXECUTIVE SUMMARY

In 2022, 35 percent of Florida households were designated as cost-burdened, which meant they were spending 30 percent or more of their income on housing expenses. Several of the state's large, metropolitan counties (e.g., Duval, Miami-Dade, Hillsborough, Palm Beach, Broward, and Orange) experience some of the highest percentages of cost-burdened households. Housing expenses in these counties range from 32.6 to 46.7 percent of their household income.

Florida's "Live Local Act" ("the Act") was passed by the 2023 legislature, and later amended in 2024 and 2025, to address the growing demand for affordable housing by: (1) providing developers with financial and regulatory incentives to build more affordable housing units; (2) requiring local governments to prioritize the development of affordable housing units proposed following the specifications in the Act; (3) streamlining the process for the development of affordable housing; and (4) ensuring that a substantial portion of new housing units is available to a wide range of income levels.

Local governments have had two years to come to terms with the provisions of the Act, as most recently amended through Senate Bill 1730 which broadened the scope of the Act and increased protections for the development community. Florida TaxWatch undertakes this independent research project to better understand how local governments have implemented certain provisions of the Act, and what has worked and what has not worked. The specific provisions of the Act included in this report include the property tax exemptions and the streamlined zoning processes.

The one income range where the affordable housing need is pronounced is the "missing middle," those households within the 80-120 percent Area Median Income (AMI) affordability threshold. This income level includes those who earn too much to qualify for traditional affordable housing but not enough to afford market-rate homes. These are our teachers, firefighters, police, and other professions who cannot afford to live near where they work.

To encourage the development of affordable housing for this income range, the Act offers a 75 percent property tax exemption to those units that fall within the 80-120 percent AMI affordability threshold. The Act

allows local taxing authorities that meet certain requirements to "opt out" of this property tax exemption. To opt out, the taxing authority must be located in a county where the number of affordable and available units for households at or below 120 percent AMI is greater than the number of households at or below 120 percent AMI, according to the latest Shimberg Center for Housing Studies Annual Report.

A great many of the taxing authorities that can opt out have, in fact, opted out. Local officials cite what they consider to be "pro developer" provisions in the Act as the main reasons for opting out. The tax exemption provisions allow developers to maximize their profits without having to pass the savings on to their renters. Further, any reductions in property tax revenues created by the exemptions would need to be made up by the local taxing authority. So, the developers pay less property tax, the loss of which must then be made up by the taxpayers.

Even in counties that are currently ineligible for the opt-out provision, such as Citrus County, developers are not taking advantage of the Act's property tax exemptions. Citrus County provides a good example for how the Act's incentives for building affordable housing are not working as intended. The county is already facing a shortage of affordable housing based on its current population. Although this property tax exemption incentive is available to development companies, so far Citrus County has yet to receive and approve an application for the property tax exemption authorized under the Act.

The incentives to develop affordable housing have encouraged local governments, such as the City of Tampa, to modify their zoning and land development regulations to provide greater flexibility when implementing local housing initiatives. The City of Tampa modified its greenspace and parking requirements for single-use (multiple-family) Act-eligible projects to provide additional flexibility and innovation in making housing more affordable.

The Act preempts local governments' requirements regarding zoning, height, and density to permit the streamlined development of affordable housing in areas zoned commercial, industrial, or mixed use if at least 40 percent of the units are affordable to income-eligible households for a minimum of 30 years. Eligible projects may still be subject to

administrative approval and other aspects of the zoning code (e.g., concurrency requirements, setback requirements, parking requirements, etc.); however, this approval allows a proposed development to circumvent public hearings and speeds up the overall approval process.

In some instances, retroactive code changes have been applied to projects that are “in review” and submitted well before these code changes take place. These changes can become burdensome for developers trying to submit projects for review and are returned as ineligible or “not in compliance.” These rapid changes cause unnecessary delays in the process and can discourage development companies from making investments within communities that need more housing options.

To combat efforts by local governments to delay the development of qualifying projects, the Act, as amended, now states that a “court shall give any civil action filed against a county for violation [of the Act] priority over other pending cases and render a preliminary or final decision as expeditiously as possible”. Additionally, beginning November 1, 2026, municipalities will be required to provide annual reports to the state regarding pending or resolved Live Local Act litigation and a list of all Live Local Act projects proposed or approved during the previous fiscal year. This information will be compiled and submitted to the governor, president of the senate, and speaker of the house annually by February 1st.

The Act has increased the number of affordable housing projects across the state. Since inception, 3,171 affordable housing units across 23 different properties have been added. Additionally, mixed-use developments such as the Catchlight Crossings project in Orange County, and the HueHub and and Cymbal DLT Midtown projects in Miami-Dade County, have the potential to put a dent in the affordable housing deficit. These mixed-use developments provide other benefits for residents, including high walkability, a strong sense of community, and easier access to businesses and transit.

In a March 2025 report entitled “*More States Are Using State-Level Tax Credits to Address Workforce and Affordable Housing Deficits*,” Florida TaxWatch acknowledged that, although the Act has had positive impacts in helping to reduce the deficit of affordable housing, inflation, rising

property taxes, and skyrocketing inflation continue to make housing less affordable for many Floridians. TaxWatch recommended that the legislature consider “creating state-level tax credits to strengthen the state’s array of housing initiatives,” including:

- A corporate income tax credit for homebuilders to help them build more single-family homes that are affordable to middle-income families;
- A state low-income housing tax credit for rental properties to augment the federal credit;
- Credits for projects that adapt properties such as historic properties.

As the 2026 legislative session approaches, Florida TaxWatch urges legislators to continue to work closely with stakeholders to pursue measures to address the provision of affordable housing, especially for the missing middle.

INTRODUCTION

Creating and maintaining affordable housing for Florida’s workforce is a growing issue facing Floridians. In 2024, Florida only had 25 affordable rental units available for every 100 households that were 0 to 30 percent of the Area Median Income (AMI), resulting in a deficit of 323,219 units for this group.¹ With Florida’s population continuing to grow, this deficit is expected to increase over time.

Florida’s “Live Local Act” (“the Act”)² was passed by the 2023 legislature (and then amended in 2024 and 2025) to address the growing demand for affordable housing by: (1) providing developers with financial and regulatory incentives to build more affordable housing units; (2) enforcement mechanisms aimed at ensuring local governments prioritize the development of affordable housing units; (3) streamlining the process for the development of affordable housing; and (4) ensuring that a substantial portion of new housing units is available to a wide range of income levels. Key provisions of the Act include:

FINANCIAL INCENTIVES—include the appropriation of state funding to the Florida Housing Finance Corporation and the establishment of a new corporate tax donation program;

PROPERTY TAX EXEMPTIONS—portions of property used for affordable housing are eligible for property tax exemptions, ranging from 75 percent to 100 percent of the assessed value;

¹ National Low Income Housing Coalition, *The GAP: A Shortage of Affordable Homes*, March 2024.

² Senate Bill 102.

REQUIREMENTS OF LOCAL GOVERNMENTS—local governments are required to allow mixed use and multi-family development in areas zoned for commercial, mixed use, or industrial, as long as at least 40 percent of the housing units are affordable for 30 years;

SIMPLIFIED ZONING—zoning processes are streamlined for affordable housing projects. Developers may proceed directly to permitting without first having to amend the local government’s comprehensive plan or zoning, or securing a variance, as long as certain requirements are met;

RENT CONTROL—local governments are prohibited from imposing rent controls; and

ENFORCEMENT—courts must prioritize actions against local governments alleged to be in violation of the Act and if developers win their case, they are entitled to receive up to \$250,000 in fees from the lawsuit.

Local governments have had two years to come to terms with the provisions of the Act. Florida TaxWatch undertakes this independent research project to better understand how local governments have implemented certain provisions of the Act, and what has worked and what has not worked. The specific provisions of the Act included in this report include the property tax exemptions and the streamlined zoning processes. The additional local government requirements, financial incentives, and rent control provisions are excluded from this analysis.

Affordable Housing at a Glance

Florida has 25 affordable rentals for every 100 extremely low-income households, leaving a 323,219-unit shortfall that will grow with the state’s population. The Legislature’s Live Local Act (2023, amended 2024–25) tackles this gap by pairing state funding and property-tax breaks with fast-track zoning and strict local-government compliance. Two years on, Florida TaxWatch is taking a focused look at how well the property-tax exemptions and streamlined zoning rules are actually working—and where they still fall short—for the communities that need them most.

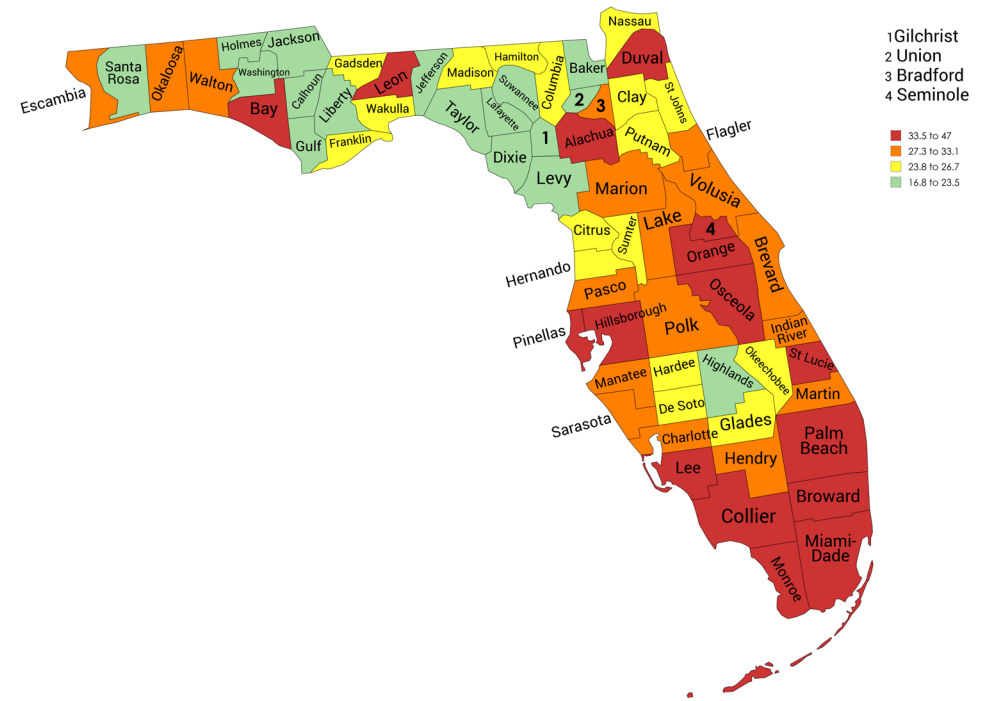
FLORIDA'S CURRENT NEED FOR AFFORDABLE HOUSING

The demand for affordable housing is not new to most households in Florida. As inflation and cost of living continue to increase, the cost of housing and other necessary basic needs of individuals continues to be a financial challenge. According to the U.S. Department of Housing and Urban Development, households spending 30 percent or more of their income on housing expenses are considered cost-burdened. In 2022, 35 percent of Florida households were designated as cost-burdened.³

Several of the state's large, metropolitan counties (e.g., Duval, Miami-Dade, Hillsborough, Palm Beach, Broward, and Orange) experience some of the highest percentages of cost-burdened households. Housing expenses in these counties range from 32.6 to 46.7 percent of their household income (Figure 1).⁴ The counties in red and orange have the greatest need for affordable housing units.

As shown in Figure 1, 16 Florida counties have at least one-third of their households with monthly housing costs of 30 percent or more. The University of Florida's Shimberg Center for Housing Studies released a report in December 2024 detailing statewide surpluses and deficits of affordable housing units in each county. According to the report, the only income level with a sufficient supply of affordable rental units is individuals earning up to 120 percent of the area's median income (AMI). Individuals earning 30 to 80 percent of the AMI have significant deficits in affordable rental units and availability issues (see Table 1).⁵

FIGURE 1.
OCCUPIED HOUSEHOLDS WITH MONTHLY HOUSING COSTS OF 30% OR MORE OF HOUSEHOLD INCOME (CENSUS ACS), PERCENT OF OCCUPIED HOUSEHOLDS, 2023



Source: FLHealthCHARTS

³ FLHealthCHARTS, "Occupied Households With Monthly Housing Costs of 30% or More of Household Income (Census ACS)," retrieved from <https://www.flhealthcharts.gov/ChartsDashboards/rdPage.aspx?rdReport=NonVitalIndRateOnly.Dataviewer&cid=9900>, accessed on January 8, 2025.

⁴ Ibid.

⁵ Shimberg Center for Housing Studies, "Shimberg Center for Housing Studies 2024 Annual Report," December 2024.

TABLE 1.
All But One Income Level Experience Deficits in Florida’s Affordable Rental Units Supply

Income Level	Surplus/Deficit*
0-30% AMI	-378,021
0-40% AMI	-489,177
0-50% AMI	-610,136
0-60% AMI	-640,741
0-80% AMI	-552,679
0-120% AMI	98,319

Source: Shimberg Center for Housing Studies 2024 Annual Report

It is important to note that the number of housing units (+/-) for each income level identified in Table 1 includes the number of housing units (+/-) from the previous income level. For example, the deficit of 489,177 affordable units for the 0-40 percent AMI income level includes the 378,021 rental units for the 0-30 percent AMI income level plus the 111,156

(489,177 – 378,021) rental units for the 30-40 percent AMI income level. At income levels above the 80 percent AMI income level, the deficit in affordable units becomes a surplus of 98,319 units at the 120 percent AMI income level. This suggests that there is no shortage of high-end rental units. The Shimberg report also shows that a significant proportion of affordable rental units are occupied by households that earn above their respective AMI income threshold levels. Households that could otherwise afford higher-priced units are instead occupying rental units that could be available for lower-income individuals.

The affordable housing deficits identified in Table 1 are broken down by major metropolitan area in Table 2. It is important to note that, although deficits exist at income levels above the 80 percent AMI income level in all major metropolitan areas, the deficit in affordable units becomes a surplus at the 120 percent AMI income level for the Jacksonville, Orlando-Kissimmee, and Tampa-St. Petersburg-Clearwater metropolitan areas. Deficits exist for all income levels in the Miami-Miami Beach, West Palm Beach-Boca Raton, and Ft. Lauderdale metropolitan areas.

TABLE 2.
ALL MAJOR METROPOLITAN AREAS EXPERIENCE A SIGNIFICANT DEFICIT OF AFFORDABLE HOUSING UNITS BETWEEN 0-30% AMI AND 0-80% AMI RANGES

Metropolitan Area ⁶	Included Counties	Affordable/Available Units Minus Renter Households					
		0-30% AMI	0-40% AMI	0-50% AMI	0-60% AMI	0-80% AMI	0-120% AMI
Jacksonville, FL HMFA/Baker County, FL HMFA (plus Putnam)	Baker, Clay, Duval, Nassau, Putnam, St. Johns	-33,555	-42,526	-48,760	-47,290	-22,307	8,210
Orlando-Kissimmee-Sanford, FL MSA	Lake, Orange, Osceola, Seminole	-50,796	-70,248	-91,670	-97,707	-85,074	5,274
Tampa-St. Petersburg-Clearwater, FL MSA	Hernando, Hillsborough, Pasco, Pinellas	-56,633	-71,137	-89,352	-91,197	-70,247	4,873
Miami-Miami Beach-Kendall, FL HMFA (plus Monroe)	Miami-Dade, Monroe	-58,509	-79,672	-100,810	-119,801	-143,805	-78,510
West Palm Beach-Boca Raton, FL HMFA	Palm Beach	-25,598	-35,101	-43,487	-43,270	-37,699	-6,864
Fort Lauderdale, FL HMFA	Broward	-40,187	-50,266	-68,112	-82,200	-84,345	-37,884

Source: Shimberg Center for Housing Studies 2024 Annual Report

⁶ The Metropolitan areas are divided based on their Housing and Urban Development Metro Fair Market Rent Areas (HMFAs) and modified where needed to accommodate for counties outside of the HMFAs, such as Monroe and Baker counties.

PROPERTY TAX EXEMPTIONS

The Act amended Ch. 196, Florida Statutes, to add three new ad valorem property tax exemptions:

- Land owned by a nonprofit entity that is leased for a minimum of 99 years for the purpose of providing affordable housing is exempt from property taxation;
- Rent-restricted units within newly constructed or substantially rehabilitated developments that set aside at least 70 units for affordable housing that serve households with income up to 120 percent AMI are subject to different levels of exemption. Units that serve 80-120 percent AMI may receive a 75 percent property tax exemption. Units that serve 0-80 percent AMI may receive a 100 percent property tax exemption; and
- Local governments are authorized to provide an ad valorem tax exemption to property owners who dedicate units for affordable housing for households with income levels of 0-60 Percent AMI. Eligible developments must have a minimum of 50 units, at least 20 percent of which must be for affordable housing. Developments that are 100 percent affordable may receive up to a 100 percent property tax exemption. Developments that less than 100 percent affordable may receive up to a 75 percent property tax exemption.

As part of the Legislature’s 2024 tax package (House Bill 7073), The Act was amended to permit local taxing authorities to “opt out” from providing the 75 percent property tax exemption to those units that fall within the 80-120 percent AMI affordability threshold (the “missing middle”). In order to opt out, the taxing authority must be located in a county where the number of affordable and available units for households at or below 120 percent AMI is greater than the number of households at or below 120 percent AMI, according to the latest Shimberg Center for Housing Studies Annual Report.

The eligibility status of Florida counties to opt out of the Act is shown in Table 3. Based upon the 2023 Shimberg Center for Housing Studies Annual Report, taxing authorities in 49 counties were eligible to opt out of

the “missing middle” property tax exemption. This year, taxing authorities in only 34 counties can opt out. Counties whose eligibility has changed since publication of the 2023 Shimberg Center for Housing Studies Annual Report are marked in red.

An increasing number of local taxing authorities that can opt out are opting out. Local officials cite what they consider to be “pro developer” provisions in the Act as the main reasons for opting out. The tax exemption provisions allow developers to maximize their profits without having to pass the savings on to their renters. Further, any reductions in property tax revenues created by the exemptions would need to be made up by the local taxing authority. So, the developers pay less property tax, the loss of which must then be made up by the taxpayers.



7 Lillian Hernandez Caraballo, “Orlando, Oveido, and Deltona Opt Out of Live Local Act,” Central Florida Public Media, October 22, 2024, retrieve from <https://www.cfpublish.com/housing-homelessness/2024-10-23/orlando-oviedo-and-deltona-opt-out-of-live-local-act>, April 28, 2025.

TABLE 3.
County Missing Middle Exemption Status

Eligible to Opt Out		Ineligible to Opt Out	
Alachua	Levy	Broward	Jefferson
Baker	Madison	Calhoun	Lee
Bay	Nassau	Charlotte	Liberty
Bradford	Okaloosa	Citrus	Manatee
Brevard	Orange	Collier	Marion
Clay	Osceola	DeSoto	Martin
Columbia	Pasco	Flagler	Miami-Dade
Dixie	Pinellas	Franklin	Monroe
Duval	Putman	Gadsden	Okeechobee
Escambia	Santa Rosa	Glades	Palm Beach
Gilchrist	Seminole	Gulf	Polk
Hamilton	St. Johns	Hardee	Sarasota
Hernando	Sumter	Hendry	St. Lucie
Hillsborough	Suwannee	Highlands	Wakulla
Lafayette	Taylor	Holmes	Walton
Lake	Union	Indian River	Washington
Leon	Volusia	Jackson	

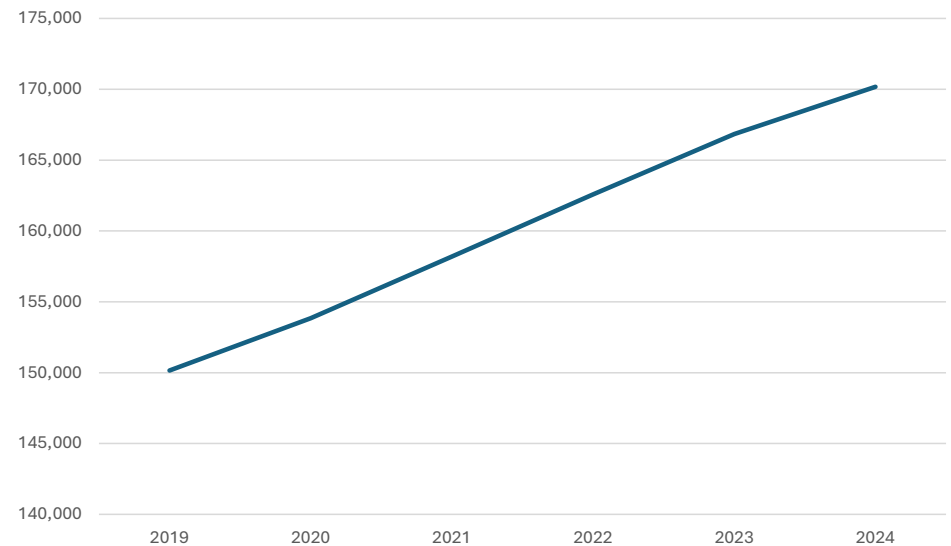
Source: Nelson Mullins' Affordable Housing News

It is important to note that the property tax exemption does not apply until construction is completed. Given the amount of time between receipt of a construction loan and receipt of the exemption, some financial lending institutions have expressed reluctance to loan a developer money to begin construction. House Bill 923 would, if enacted into law, attempt to address this by allowing developers to receive the property tax exemption upon submittal and pre-development approval of the project's site plan (as long as the developer complies with the site plan and other statutory requirements). House Bill 923 was not heard during the 2025 legislative session.

In addition to the concerns about the financial impact of the opt-out option, counties that are currently ineligible for the opt-out provision—such as Citrus County—are not seeing developers taking advantage of the Act's property tax exemption. Although this incentive is available to development companies, so far Citrus County has yet to receive and approve an application for the property tax exemption authorized under the Act.⁸

The Shimberg report shows that Citrus County has 13,469 total renters and 29 percent of those renters are cost burdened households. In 2024, Homosassa Springs, Florida (Citrus County), had a deficit of more than 2,000 rental units for those earning between 0-40 percent AMI and 0-80 percent AMI. In total, Citrus County has 20 multifamily homes with anywhere from two to nine units each and no multi-family homes with more than ten units.⁹ Throughout the last five years, the estimated population in Citrus County has rapidly grown (see Figure 2). This population growth further strains the housing market not only for new residents but for existing residents.

FIGURE 2.
CITRUS COUNTY ESTIMATED POPULATION GROWTH FROM 2019 TO 2024 HAS CONTINUED TO GROW OVER THE LAST 5 YEARS




Source: U.S. Census Bureau

⁸ Interview with the Honorable Janice Warren, Citrus County Tax Collector, April 9, 2025.

⁹ Shimberg Center for Housing Studies, "Shimberg Center for Housing Studies 2024 Annual Report," December 2024.

Citrus County provides a good example for how the Act’s incentives for building affordable housing are not working as intended. The county is already facing a shortage of affordable housing based on its current population. The future growth within the county will only compound the issue because the property tax exemption is not attracting development companies to invest within these communities. While there is a possibility that future developments within Citrus County may take advantage of some Act provisions, the Act is not providing the immediate help for communities facing substantial growth where the existing housing is lacking.

An aerial photograph of a residential development with several houses and green spaces. The image is framed with a red border. Overlaid on the image is a quote in white text.

“We took live local as an opportunity to employ some of the code changes we wanted that applied to affordable housing.”

- Abbeye Feeley, Administrator,
City of Tampa Development and
Economic Opportunity

FLEXIBLE AND STREAMLINED ZONING

The incentives to develop affordable housing have encouraged local governments to modify their zoning and land development regulations to provide greater flexibility when implementing local housing initiatives. Additionally, these modifications and lower requirements can allow unique opportunities for development companies—leaving more flexibility to create innovative ideas and technology—that bring added benefits to communities. These benefits may include local business spaces, parks, recreational areas, and other investment opportunities for the community. The City of Tampa, for example, modified its greenspace and parking requirements for single-use (multiple-family) Act-eligible projects to include the following options:¹⁰

- Requires 100 square feet of greenspace per unit or a minimum of 6,000 square feet, whichever is greater;
- Aggregated greenspace in a centralized place –such as a park, zen gardens, or greenways –for residents of the community to enjoy. This option reduces the requirement to 75 square feet per unit or 5,000 square feet, whichever is greater; and
- Parking ratios for qualifying affordable housing developments were reduced to 0.8 per unit.

The Act preempts local governments’ requirements regarding zoning, height, and density to permit the streamlined development of affordable housing in areas zoned commercial, industrial, or mixed use if at least 40 percent of the units are affordable to income-eligible households for a minimum of 30 years. For mixed use residential projects, at least 65 percent of the total square footage must be used for residential purposes. Eligible projects may still be subject to administrative approval and other aspects of the zoning code (e.g., concurrency requirements, setback requirements, parking requirements, etc.); however, this approval allows a proposed development to circumvent public hearings and speeds up the overall approval process.

These provisions not only allow developers to circumvent local zoning and land development regulations, but these same developers may be eligible for the 75 percent “missing middle” property tax exemptions, revenue that (as explained in a previous section) must then be made up by the taxpayer.

¹⁰ Note: The City of Tampa also included parking code changes and other specifications related to the LLA in addition to the greenspace requirements highlighted in this report.

WHAT IS WORKING?

The Act has increased the number of affordable housing projects across the state. Since inception, 3,171 affordable housing units across 23 different properties have been added in various communities.¹¹ Additionally, the Act has provided local governments and development companies with the flexibility to modify requirements to further incentivize developers to develop affordable housing projects. Florida TaxWatch offers the following projects as examples of mixed-use developments that have the potential to put a dent in the affordable housing deficit. This is by no means an exhaustive list but is intended to illustrate what is possible under the Act.

CATCHLIGHT CROSSINGS

Orange County, Universal Studios, and Wendover Housing Partners worked together to create an affordable housing development called “Catchlight Crossings.” This 20-acre development is creating 1,000 rental units in a major tourist district with the intent to provide hospitality and service workers an opportunity for affordable housing close to where they work. With 75 percent of the units designated for individuals earning 0-60 percent of AMI,¹² the development includes a tuition-free preschool, business opportunities for public-private partnerships with the University of Central Florida, healthcare service centers, access to a variety of transportation options, and more.

Rent prices are expected to range from \$400 a month to \$1,800 for Catchlight Crossings. Those earning from \$15,000 to \$80,000 annually would now qualify for these affordable units. Additionally, this new community has the potential to create more than 10,000 jobs through its included amenities and resources.¹³

THE HUEHUB

Located on a 12-acre site in the unincorporated West Little River neighborhood in Miami-Dade County, HueHub is one of the largest single projects being developed under the Act. The current site includes aging single-story dwellings, a church, a maintenance shop, and a one-story office building. The mixed use redevelopment plan calls for demolishing

existing structures and replacing them with a high-density, transit-oriented community steps from a proposed Metrorail station.¹⁴

The latest proposal, which is undergoing site plan review, includes 4,032 residential units, with 40 percent (1,613 units) designated as workforce housing for residents earning under 120 percent AMI. Commercial components include more than 20,000 square feet of retail space, more than 11,000 square feet of medical offices, a police station, and recreational community center. Attached to the residential buildings will be two nine story parking garages with more than 5,000 parking spaces.

To qualify for additional density bonuses under Miami-Dade County regulations, 10 percent (202 units) will be offered at below 110 percent AMI. HueHub units will have an average size of 450 square feet. The towers are planned to be 35 stories, a height that is based upon an adjacent BU-2 zoned property that permits unlimited vertical development within one mile of the site. The 35-story height limit is subject to approval by the Federal Aviation Administration.¹⁵

CYMBAL DLT MIDTOWN

Located in Midtown Miami, the Cymbal DLT Midtown project would include 598 apartments, 40 percent of which would be workforce housing at 120 percent of AMI. The development project would also include more than 18,000 square feet of retail, more than 4,500 square feet of offices, and 654 parking spaces. Although the current height limit on the site is five stories, the flexibility provisions contained in the Act would permit the proposed 36 floor development and a waiver for a 30 percent parking reduction.¹⁶

The apartments would range in size from 424 square feet to 1,321 square feet, with an average size of 685 square feet. There would be 57 three-bedroom apartments, 118 two-bedroom apartments, 180 one-bedroom apartments, and 243 studio apartments. All of the proposed workforce units would be studio apartments.¹⁷

¹¹ Florida Senate Committee on Community Affairs, January 14, 2025.

¹² Universal Destinations & Experiences, “Catchlight Crossings Sets New Standard for Affordable Housing Communities,” retrieved from <https://corporate.universaldestinationsandexperiences.com/catchlight-crossings-sets-new-standard-for-affordable-housing-communities/>, accessed on January 17, 2025.

¹³ Ibid.

¹⁴ Florida YIMBY, “Updated Plans Filed for The Hub, a 4,032 Unit Live Local Development in West Little River,” retrieved from <https://floridayimby.com/2025/02/updated-plans-filed-for-the-huehub-a-4032-unit-live-local-development-in-west-little-river.html>, April 28, 2025.

¹⁵ Ibid.

¹⁶ CYMBAL DLT Companies, “Live Local Act High-Rise Planned in Miami,” retrieved from <https://www.cymbaldlt.com/press-articles/live-local-act-high-rise-planned-in-miami>, April 28, 2025.

¹⁷ Ibid.

WHAT IS NOT WORKING?

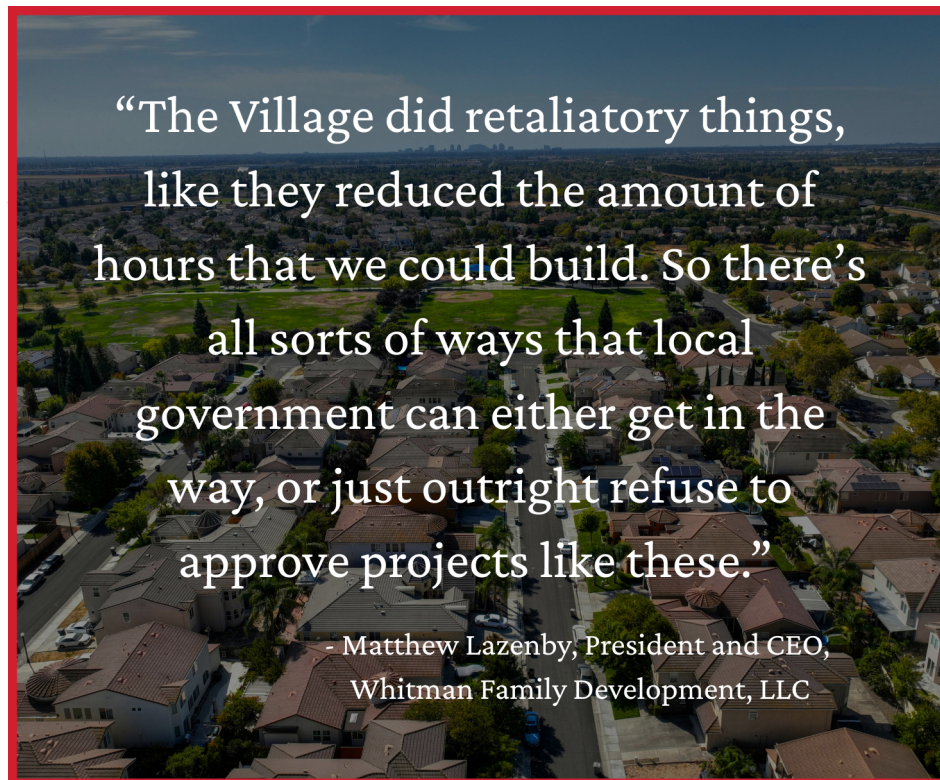
In some instances, municipalities have sought to retroactively apply code changes to Live Local Act projects that are “in review” and submitted well before the adoption of these new codes. These practices by municipalities create additional obstacles for developers, who often have already submitted projects for review only to have those projects returned as ineligible or “not in compliance” due to the code updates. From a practical perspective, these sort of burdensome processing tactics by local governments create additional costs and delays that can discourage development companies from making investments within communities that need more housing options.

Rather than following the expedited administrative path set by the state, some developers are finding that the only way to enforce the Act is by bringing lawsuits against local governments. This is especially present in communities where the Act is not popular among residents and where anti-development sentiment is high. These views often negatively influence the administrative review of an affordable housing project application or in some instances result in its outright denial.

BAL HARBOUR VILLAGE

Located in Miami-Dade County, the Bal Harbour Shops mixed-use project would include 600 residential units, a boutique hotel, and 45,700 square feet of new retail space. The latest proposal is seeking to dedicate 40 percent of the residential units to workforce housing with these units set to be completed within the first phase of the project.¹⁸ The Live Local Act made the project possible with the changes to the zoning regulations at the local level which provided the opportunity for mixed-use zoned properties to incorporate housing units if they meet the affordability requirements set forth within the Act.

¹⁸ Whitman Family Development, “Bal Harbour Shops Fact Sheet,” January 1, 2024.



Whitman Family Development brought a lawsuit against Bal Harbour Village for denying the proposal for this mixed-use project that qualified for Live Local Act exemptions. While the recent amendment to the Act includes a monetary award (\$250,000) if the development company wins its case, it often does not cover the costs associated with this type of litigation. Therefore, the costs of doing business within these municipalities—that are reluctant or deny affordable housing development projects—often are outweighed by the inevitable legal fights between their company and local government.

ENFORCEMENT IN OTHER STATES

Several other states, including California and Massachusetts, have developed alternative enforcement actions taken by governmental agencies to promote affordable housing development in municipalities that are reluctant to review and approve these projects. California utilizes the Office of the Attorney General to issue enforcement actions against non-compliant municipalities that violate the state's Housing Accountability Act.¹⁹ Massachusetts uses fiscal penalties affecting local infrastructure and certain discretionary funding to discourage non-compliance of its housing incentive program to increase affordable housing supply.

The challenges of enforcement remain within these states and others facing affordable housing supply issues. The common approach with both states involves the Office of the Attorney General maintaining enforcement power under their affordable housing legislation. Some level of enforcement to hold municipalities and development companies accountable to addressing the housing needs of its community is a common measure used where these challenges exist. Enforcement at the state level is the common approach used but getting local government buy-in to embrace affordable housing projects provide new development involving the Live Local Act and other workforce housing legislation is equally as important.

CONCLUSIONS


The current Act is a promising start to address the affordable housing issue, but better collaboration and enforcement of the new provisions set in the Act need to occur at the local level. Florida TaxWatch can point to mixed-use infill and redevelopment projects like the HueHub and Cymbal DLT Midtown projects in Miami-Dade County as evidence of the Act's success. These mixed-use communities take advantage of the limited availability of developable land to offer a mix of studio, one-bedroom, two-bedroom, and three-bedroom apartments. These mixed-use developments provide other benefits for residents, including high walkability, a strong sense of community, and easier access to businesses and transit. Challenges surrounding local government non-compliance as seen in the Bal Harbour Village project; however, still inhibit effective implementation of the Act in areas where affordable housing is needed.

More than one-third of Florida households are designated as cost-burdened, and 16 Florida counties have at least one-third of their households with monthly housing costs of 30 percent or more. When most people think of affordable housing they think of housing for extremely low and low-income families. As shown in Table 2, the major metropolitan areas in Miami-Dade, Broward, Palm Beach, and Monroe counties are experiencing a deficit in housing that is affordable for all income ranges.

The one income range where the affordable housing need is pronounced is the "missing middle," those households within the 80-120 percent AMI affordability threshold. This income level includes those who earn too much to qualify for traditional affordable housing but not enough to afford market-rate homes. These are our teachers, firefighters, police, and other professions who cannot afford to live near where they work.

To encourage the development of affordable housing for this income range, the Act offers a 75 percent property tax exemption to those units that fall within the 80-120 percent AMI affordability threshold. The Act allows local taxing authorities that meet certain requirements to "opt out" of this property tax exemption.

¹⁹ California Department of Housing and Community Development, "Accountability and Enforcement," retrieved from <https://www.hcd.ca.gov/planning-and-community-development/accountability-and-enforcement>, July 1, 2025.



“Well, 50 of 67 counties have opted out, and lots of other cities have as well. It defeats the stated purpose of the Live Local Act... If the intent is to provide affordable housing across the state of Florida, the opt-out provision appears to be counterproductive.”

- Rep. Wyman Duggan, Chair,
House Ways and Means Committee

As the 2026 legislative session approaches, Florida TaxWatch urges legislators to continue to work closely with stakeholders to pursue measures to address the provision of affordable housing, especially for the missing middle.

This year, taxing authorities in 34 counties can opt out, and a great many of the taxing authorities that can opt out have, in fact, opted out. Many local officials view the tax exemption provisions as allowing developers to maximize their profits without having to pass the savings on to their renters. In addition, local governments have to make up the reductions in property tax revenues created by the exemptions, which places an additional burden on the taxpayers.

Even in counties that are currently ineligible for the opt-out provision, such as Citrus County, developers are not taking advantage of the Act's property tax exemption. Because the property tax exemption does not apply until construction is completed, some financial lending institutions have been reluctant to loan a developer money to begin construction.

In a March 2025 report entitled “*More States Are Using State-Level Tax Credits to Address Workforce and Affordable Housing Deficits*,” Florida TaxWatch acknowledged that, although the Act has had positive impacts in helping to reduce the deficit of affordable housing, inflation, rising property taxes, and skyrocketing inflation continue to make housing less affordable for many Floridians. TaxWatch recommended that the legislature consider “creating state-level tax credits to strengthen the state's array of housing initiatives,” including:

- A corporate income tax credit for homebuilders to help them build more single-family homes that are affordable to middle-income families;
- A state low-income housing tax credit for rental properties to augment the federal credit;
- Credits for projects that adapt properties such as historic properties.

20 Jacob Ogles, “House Tax Package Aims to Expand Live Local Act, End Op-Outs for Local Governments,” Florida Politics, April 15, 2025.

ABOUT FLORIDA TAXWATCH

As an independent, nonpartisan, nonprofit taxpayer research institute and government watchdog, it is the mission of Florida TaxWatch to provide the taxpayers of Florida and public officials with high quality, independent research and analysis of issues related to state and local government taxation, expenditures, policies, and programs. Florida TaxWatch works to improve the productivity and accountability of Florida government. Its research recommends productivity enhancements and explains the statewide impact of fiscal and economic policies and practices on citizens and businesses.

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