

THE FLORIDA SENATE
2024 SUMMARY OF LEGISLATION PASSED

Committee on Community Affairs

CS/CS/SB 328 — Affordable Housing

by Fiscal Policy Committee; Community Affairs Committee; and Senators Calatayud, Osgood, and Stewart

The bill amends various provisions of the Live Local Act (Chapter 2023-17, L.O.F.), passed during the 2023 Regular Session, which made substantial changes and additions to affordable housing related programs and policies at both the state and local level.

The bill amends the 2023 Live Local Act's land use and zoning provisions for affordable multifamily rental developments to:

- Preempt a local government's floor area ratio for qualifying developments.
- Specify that a local government must reduce parking requirements for qualifying developments by at least 20 percent if the development is located within one-half mile of certain transportation facilities and has available parking within 600 feet.
- Modify the building height entitlement to address situations where a qualifying development is adjacent to single family parcels.
- Prohibit qualifying developments within one-quarter mile of a military installation from being approved administratively.
- Exempt certain airport-impacted areas from the zoning and land use entitlements.
- Make clarifying changes pertaining to the density, height, and floor area ratio entitlements for qualifying developments.
- Require qualifying developments be treated as a conforming use.
- Require local governments to publish procedures and expectations for the administrative approval of qualifying developments.
- Clarify that only the affordable units in a qualifying development must be rental units.
- Impose special qualifiers for developments within a transit-oriented development or area.

The bill makes a special provision to allow an applicant of a qualifying development who applied to the local government prior to the effective date of the bill to proceed under the applicable land use and zoning provisions of the Live Local Act as they existed as the time of submittal of the application.

The bill also amends the ad valorem tax exemptions of the Live Local Act, established to incentivize development of multifamily rental units for individuals and families at specified household income levels. The bill clarifies administrative procedures for the exemptions, allows developments in the Florida Keys to set aside fewer rent-restricted units to qualify for the exemption in s. 196.1978, F.S., and prohibits owners from using exempt units as vacation rentals.

The bill appropriates \$100 million in non-recurring funds from the General Revenue Fund to the Florida Housing Finance Corporation (FHFC) to administer the Florida Hometown Hero Program and makes one programmatic change. The Florida Hometown Hero Program was codified into law by the Live Local Act to provide down payment assistance to first-time Florida

homebuyers meeting certain household income thresholds. Finally, the bill clarifies the authority of the FHFC to preclude developers from participating in FHFC programs for certain violations.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming a law.

Vote: Senate 40-0; House 112-1