

By Senator Simpson

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1 A bill to be entitled
2 An act relating to accessory dwelling units; creating
3 s. 163.31772, F.S.; providing legislative findings;
4 providing definitions; authorizing certain property
5 owners to construct accessory dwelling units for
6 exclusive occupancy by specified seniors, disabled
7 persons, or the caregivers of such persons under
8 certain circumstances; requiring such property owners
9 to submit an application and affidavit to local
10 government authorities to construct an accessory
11 dwelling unit; providing that accessory dwelling units
12 must comply with specified local government
13 regulations and are subject to local government fees
14 and charges; providing civil penalties; exempting
15 certain residential communities from the act;
16 providing an effective date.

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18 Be It Enacted by the Legislature of the State of Florida:

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20 Section 1. Section 163.31772, Florida Statutes, is created
21 to read:

22 163.31772 Accessory dwelling units for seniors, disabled
23 persons, or caregivers.—

24 (1) The Legislature finds that the state faces a shortage
25 of available and suitable affordable housing for the increasing
26 population of seniors and their families within this state. The
27 Legislature recognizes that disabled persons within this state
28 encounter similar housing challenges. The Legislature further
29 finds that semi-independent living arrangements that include

18-00433-14

2014644__

30 family member or caregiver support and companionship are
31 beneficial to seniors and disabled persons. Therefore, the
32 Legislature finds that it serves an important public purpose to
33 encourage semi-independent living of seniors and disabled
34 persons by authorizing the construction of accessory dwelling
35 units for such persons or their caregivers.

36 (2) As used in this section, the term:

37 (a) "Accessory dwelling unit" means an ancillary or
38 secondary living unit of up to 850 square feet in gross internal
39 area which may have a separate kitchen, bathroom, living area,
40 and sleeping area and which exists within the primary dwelling
41 unit or on the same residential real property as the primary
42 dwelling unit.

43 (b) "Caregiver" means a natural person who assists a senior
44 or a disabled person with the activities of daily living as
45 defined in s. 429.02(1).

46 (c) "Disabled person" means a person with a disabling
47 condition as defined in s. 420.0004.

48 (d) "Gross internal area" means the floor area contained
49 within the accessory dwelling unit measured to the internal face
50 of the external walls.

51 (e) "Local government" means a county or municipality.

52 (f) "Primary dwelling unit" means the principal structure
53 on residential real property used as a home, residence, or
54 sleeping place by one person or by two or more persons who
55 maintain a common household.

56 (g) "Related senior" means a senior who is the natural or
57 adoptive parent, grandparent, sibling, aunt, uncle, or first
58 cousin of the property owner or the property owner's spouse.

18-00433-14

2014644__

59 (h) "Senior" means a person who is 60 years of age or
60 older.

61 (3) Notwithstanding any provision of law, an ordinance, a
62 regulation, a resolution, or a local comprehensive plan to the
63 contrary, the owner of residential real property in an area
64 zoned for single-family residential use may construct an
65 accessory dwelling unit on such property for the exclusive
66 occupancy of:

67 (a) A related senior, a disabled person, or the caregiver
68 of a related senior, a disabled person, or the property owner
69 living in the primary dwelling unit, if the property owner is a
70 permanent resident of the primary dwelling unit.

71 (b) The property owner, if the property owner is a senior,
72 a disabled person, or the caregiver of a related senior or a
73 disabled person living in the primary dwelling unit. The
74 property owner must intend to be a permanent resident of the
75 accessory dwelling unit and the primary dwelling unit must be
76 occupied by a related senior, a disabled person, or a caregiver
77 for the property owner.

78 (4) To construct an accessory dwelling unit as authorized
79 under subsection (3), the property owner shall submit to local
80 government authorities:

81 (a) An application for a building permit to construct an
82 accessory dwelling unit; and

83 (b) An affidavit of the property owner that attests that
84 the unit will be occupied by the owner, a related senior, a
85 disabled person, or the caregiver of such person as authorized
86 by this section.

87 (5) The accessory dwelling unit must comply with local

18-00433-14

2014644__

88 government regulations related to parking, height, setback, lot
89 coverage, and architectural or site plan review and is subject
90 to applicable local government fees or charges.

91 (6) A property owner who constructs an accessory dwelling
92 unit pursuant to this section is subject to a civil penalty of
93 up to \$10,000, if:

94 (a) Such accessory dwelling unit is occupied by any person
95 except the property owner, a related senior, a disabled person,
96 or the caregiver of such person as authorized by this section.

97 (b) The property owner knowingly and willfully provides
98 false information on the building permit application or
99 affidavit required under subsection (4).

100 (7) This section does not apply to residential communities
101 with deed restrictions that prohibit the construction of
102 accessory dwelling units.

103 Section 2. This act shall take effect July 1, 2014.