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LEGISLATIVE ACTION

Senate

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House

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Floor: 1a/RE/2R

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03/10/2020 07:49 PM

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Senator Brandes moved the following:

1 **Senate Amendment to Amendment (105450) (with title**
2 **amendment)**

3
4 Delete lines 5 - 158

5 and insert:

6 Section 1. Section 125.01055, Florida Statutes, is amended
7 to read:

8 125.01055 Affordable housing.—

9 (1) Notwithstanding any other provision of law, a county
10 may adopt and maintain in effect any law, ordinance, rule, or
11 other measure that is adopted for the purpose of increasing the



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12 supply of affordable housing using land use mechanisms such as
13 inclusionary housing or linkage fee ordinances.

14 (2) An inclusionary housing ordinance may require a
15 developer to provide a specified number or percentage of
16 affordable housing units to be included in a development or
17 allow a developer to contribute to a housing fund or other
18 alternatives in lieu of building the affordable housing units.

19 (3) An affordable housing linkage fee ordinance may require
20 the payment of a flat or percentage-based fee, whether
21 calculated on the basis of the number of approved dwelling
22 units, the amount of approved square footage, or otherwise.

23 (4) ~~However,~~ In exchange for a developer fulfilling the
24 requirements of subsection (2) or, for residential or mixed-use
25 residential development, the requirements of subsection (3), a
26 county must provide incentives to fully offset all costs to the
27 developer of its affordable housing contribution or linkage fee.
28 Such incentives may include, but are not limited to:

29 (a) Allowing the developer density or intensity bonus
30 incentives or more floor space than allowed under the current or
31 proposed future land use designation or zoning;

32 (b) Reducing or waiving fees, such as impact fees or water
33 and sewer charges; or

34 (c) Granting other incentives.

35 (5)~~(3)~~ Subsection (2) does not apply in an area of critical
36 state concern, as designated in s. 380.0552.

37 (6) Notwithstanding any other law or local ordinance or
38 regulation to the contrary, the board of county commissioners
39 may approve the development of housing that is affordable, as
40 defined in s. 420.0004, on any parcel zoned for residential,



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41 commercial, or industrial use.

42 Section 2. Paragraph (d) of subsection (3) of section
43 129.03, Florida Statutes, is amended to read:

44 129.03 Preparation and adoption of budget.—

45 (3) The county budget officer, after tentatively
46 ascertaining the proposed fiscal policies of the board for the
47 next fiscal year, shall prepare and present to the board a
48 tentative budget for the next fiscal year for each of the funds
49 provided in this chapter, including all estimated receipts,
50 taxes to be levied, and balances expected to be brought forward
51 and all estimated expenditures, reserves, and balances to be
52 carried over at the end of the year.

53 (d) By ~~October 15, 2019,~~ and each October 15 ~~annually~~
54 ~~thereafter~~, the county budget officer shall electronically
55 submit the following information regarding the final budget and
56 the county's economic status to the Office of Economic and
57 Demographic Research in the format specified by the office:

58 1. Government spending per resident, including, at a
59 minimum, the spending per resident for the previous 5 fiscal
60 years.

61 2. Government debt per resident, including, at a minimum,
62 the debt per resident for the previous 5 fiscal years.

63 3. Median income within the county.

64 4. The average county employee salary.

65 5. Percent of budget spent on salaries and benefits for
66 county employees.

67 6. Number of special taxing districts, wholly or partially,
68 within the county.

69 7. Annual county expenditures providing for the financing,



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70 acquisition, construction, reconstruction, or rehabilitation of
71 housing that is affordable, as that term is defined in s.
72 420.0004. The reported expenditures must indicate the source of
73 such funds as "federal," "state," "local," or "other," as
74 applicable. The information required by this subparagraph must
75 be included in the submission due by October 15, 2020, and each
76 annual submission thereafter.

77 Section 3. Paragraph (d) of subsection (7) of section
78 163.01, Florida Statutes, is amended to read:

79 163.01 Florida Interlocal Cooperation Act of 1969.—

80 (7)

81 (d) Notwithstanding the provisions of paragraph (c), any
82 separate legal entity created pursuant to this section and
83 controlled by the municipalities or counties of this state or by
84 one or more municipality and one or more county of this state,
85 the membership of which consists or is to consist of
86 municipalities only, counties only, or one or more municipality
87 and one or more county, may, for the purpose of financing or
88 refinancing any capital projects, exercise all powers in
89 connection with the authorization, issuance, and sale of bonds.
90 Notwithstanding any limitations provided in this section, all of
91 the privileges, benefits, powers, and terms of part I of chapter
92 125, part II of chapter 166, and part I of chapter 159 are shall
93 be fully applicable to such entity. Bonds issued by such entity
94 are shall be deemed issued on behalf of the counties, or
95 municipalities, or private entities which enter into loan
96 agreements with such entity as provided in this paragraph. Any
97 loan agreement executed pursuant to a program of such entity is
98 shall be governed by the provisions of part I of chapter 159 or,



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99 in the case of counties, part I of chapter 125, or in the case
100 of municipalities and charter counties, part II of chapter 166.
101 Proceeds of bonds issued by such entity may be loaned to
102 counties or municipalities of this state or a combination of
103 municipalities and counties, whether or not such counties or
104 municipalities are also members of the entity issuing the bonds,
105 or to private entities for projects that are "self-liquidating,"
106 as provided in s. 159.02, whether or not such private entities
107 are located within the jurisdictional boundaries of a county or
108 municipality that is a member of the entity issuing the bonds.
109 The issuance of bonds by such entity to fund a loan program to
110 make loans to municipalities, ~~or~~ counties, or private entities
111 or a combination of municipalities, and counties, and private
112 entities with one another for capital projects to be identified
113 subsequent to the issuance of the bonds to fund such loan
114 programs is deemed to be a paramount public purpose. Any entity
115 so created may also issue bond anticipation notes, as provided
116 by s. 215.431, in connection with the authorization, issuance,
117 and sale of such bonds. In addition, the governing body of such
118 legal entity may also authorize bonds to be issued and sold from
119 time to time and may delegate, to such officer, official, or
120 agent of such legal entity as the governing body of such legal
121 entity may select, the power to determine the time; manner of
122 sale, public or private; maturities; rate or rates of interest,
123 which may be fixed or may vary at such time or times and in
124 accordance with a specified formula or method of determination;
125 and other terms and conditions as may be deemed appropriate by
126 the officer, official, or agent so designated by the governing
127 body of such legal entity. However, the amounts and maturities



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128 of such bonds and the interest rate or rates of such bonds shall
129 be within the limits prescribed by the governing body of such
130 legal entity and its resolution delegating to such officer,
131 official, or agent the power to authorize the issuance and sale
132 of such bonds. A local government self-insurance fund
133 established under this section may financially guarantee bonds
134 or bond anticipation notes issued or loans made under this
135 subsection. Bonds issued pursuant to this paragraph may be
136 validated as provided in chapter 75. The complaint in any action
137 to validate such bonds shall be filed only in the Circuit Court
138 for Leon County. The notice required to be published by s. 75.06
139 shall be published only in Leon County, and the complaint and
140 order of the circuit court shall be served only on the State
141 Attorney of the Second Judicial Circuit and on the state
142 attorney of each circuit in each county where the public
143 agencies which were initially a party to the agreement are
144 located. Notice of such proceedings shall be published in the
145 manner and the time required by s. 75.06 in Leon County and in
146 each county where the public agencies which were initially a
147 party to the agreement are located. Obligations of any county or
148 municipality pursuant to a loan agreement as described in this
149 paragraph may be validated as provided in chapter 75.

150 Section 4. Subsections (3) and (4) of section 163.31771,
151 Florida Statutes, are amended to read:

152 163.31771 Accessory dwelling units.—

153 (3) ~~A Upon a finding by a local government that there is a~~
154 ~~shortage of affordable rentals within its jurisdiction, the~~
155 local government may adopt an ordinance to allow accessory
156 dwelling units in any area zoned for single-family residential



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157 use.

158 ~~(4) If the local government adopts an ordinance under this~~
159 ~~section,~~ An application for a building permit to construct an
160 accessory dwelling unit must include an affidavit from the
161 applicant which attests that the unit will be rented at an
162 affordable rate to an extremely-low-income, very-low-income,
163 low-income, or moderate-income person or persons.

164 Section 5. Subsection (10) is added to section 163.31801,
165 Florida Statutes, to read:

166 163.31801 Impact fees; short title; intent; minimum
167 requirements; audits; challenges.-

168 (10) In addition to the items that must be reported in the
169 annual financial reports under s. 218.32, a county,
170 municipality, or special district must report all of the
171 following data on all impact fees charged:

172 (a) The specific purpose of the impact fee, including the
173 specific infrastructure needs to be met, including, but not
174 limited to, transportation, parks, water, sewer, and schools.

175 (b) The impact fee schedule policy describing the method of
176 calculating impact fees, such as flat fees, tiered scales based
177 on number of bedrooms, or tiered scales based on square footage.

178 (c) The amount assessed for each purpose and for each type
179 of dwelling.

180 (d) The total amount of impact fees charged by type of
181 dwelling.

182 (e) Each exception and waiver provided for construction or
183 development of housing that is affordable.

184 Section 6. Section 166.04151, Florida Statutes, is amended
185 to read:



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186 166.04151 Affordable housing.—

187 (1) Notwithstanding any other provision of law, a
188 municipality may adopt and maintain in effect any law,
189 ordinance, rule, or other measure that is adopted for the
190 purpose of increasing the supply of affordable housing using
191 land use mechanisms such as inclusionary housing or linkage fee
192 ordinances.

193 (2) An inclusionary housing ordinance may require a
194 developer to provide a specified number or percentage of
195 affordable housing units to be included in a development or
196 allow a developer to contribute to a housing fund or other
197 alternatives in lieu of building the affordable housing units.

198 (3) An affordable housing linkage fee ordinance may require
199 the payment of a flat or percentage-based fee, whether
200 calculated on the basis of the number of approved dwelling
201 units, the amount of approved square footage, or otherwise.

202 (4) ~~However,~~ In exchange for a developer fulfilling the
203 requirements of subsection (2) or, for residential or mixed-use
204 residential development, the requirements of subsection (3), a
205 municipality must provide incentives to fully offset all costs
206 to the developer of its affordable housing contribution or
207 linkage fee. Such incentives may include, but are not limited
208 to:

209 (a) Allowing the developer density or intensity bonus
210 incentives or more floor space than allowed under the current or
211 proposed future land use designation or zoning;

212 (b) Reducing or waiving fees, such as impact fees or water
213 and sewer charges; or

214 (c) Granting other incentives.



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215 (5)~~(3)~~ Subsection (2) does not apply in an area of critical
216 state concern, as designated by s. 380.0552 or chapter 28-36,
217 Florida Administrative Code.

218 (6) Notwithstanding any other law or local ordinance or
219

220 ===== T I T L E A M E N D M E N T =====

221 And the title is amended as follows:

222 Delete lines 1694 - 1716

223 and insert:

224 125.01055, F.S.; adding linkage fee ordinances as land
225 use mechanisms that counties are authorized to adopt
226 and maintain; providing that affordable housing
227 linkage fee ordinances may require the payment of
228 certain fees; authorizing a board of county
229 commissioners to approve development of affordable
230 housing on any parcel zoned for residential,
231 commercial, or industrial use; amending s. 129.03,
232 F.S.; revising the information required to be annually
233 submitted by county budget officers to the Office of
234 Economic and Demographic Research; requiring certain
235 information to be included beginning in a specified
236 submission; amending s. 163.01, F.S.; amending the
237 Florida Interlocal Cooperation Act of 1969 to
238 authorize private entities to enter into specified
239 loan agreements; authorizing certain bond proceeds to
240 be loaned to private entities for specified types of
241 projects; providing that such loans are deemed a
242 paramount public purpose; amending s. 163.31771, F.S.;
243 revising conditions under which local governments are



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244 authorized to adopt ordinances that allow accessory
245 dwelling units in any area zoned for single-family
246 residential use; amending s. 163.31801, F.S.;
247 requiring counties, municipalities, and special
248 districts to include certain data relating to impact
249 fees in their annual financial reports; amending s.
250 166.04151, F.S.; adding linkage fee ordinances as land
251 use mechanisms that municipalities are authorized to
252 adopt and maintain; providing that affordable housing
253 linkage fee ordinances may require the payment of
254 certain fees; authorizing governing bodies of