



215652

LEGISLATIVE ACTION

Senate

.

House

.

.

Floor: WD/2R

.

03/10/2020 03:04 PM

.

.

---

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



215652

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,



215652

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,



215652

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

79 163.31771 Accessory dwelling units.—

80 (3) ~~A Upon a finding by a local government that there is a~~  
81 ~~shortage of affordable rentals within its jurisdiction, the~~  
82 local government may adopt an ordinance to allow accessory  
83 dwelling units in any area zoned for single-family residential  
84 use.

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

91 Section 4. Subsection (10) is added to section 163.31801,  
92 Florida Statutes, to read:

93 163.31801 Impact fees; short title; intent; minimum  
94 requirements; audits; challenges.—

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



215652

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

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

105           (c) The amount assessed for each purpose and for each type  
106 of dwelling.

107           (d) The total amount of impact fees charged by type of  
108 dwelling.

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

111           Section 5. Section 166.04151, Florida Statutes, is amended  
112 to read:

113           166.04151 Affordable housing.—

114           (1) Notwithstanding any other provision of law, a  
115 municipality may adopt and maintain in effect any law,  
116 ordinance, rule, or other measure that is adopted for the  
117 purpose of increasing the supply of affordable housing using  
118 land use mechanisms such as inclusionary housing or linkage fee  
119 ordinances.

120           (2) An inclusionary housing ordinance may require a  
121 developer to provide a specified number or percentage of  
122 affordable housing units to be included in a development or  
123 allow a developer to contribute to a housing fund or other  
124 alternatives in lieu of building the affordable housing units.

125           (3) An affordable housing linkage fee ordinance may require  
126 the payment of a flat or percentage-based fee, whether  
127 calculated on the basis of the number of approved dwelling



215652

128 units, the amount of approved square footage, or otherwise.

129 (4) ~~However,~~ In exchange for a developer fulfilling the  
130 requirements of subsection (2) or, for residential or mixed-use  
131 residential development, the requirements of subsection (3), a  
132 municipality must provide incentives to fully offset all costs  
133 to the developer of its affordable housing contribution or  
134 linkage fee. Such incentives may include, but are not limited  
135 to:

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

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

141 (c) Granting other incentives.

142 (5)~~(3)~~ Subsection (2) does not apply in an area of critical  
143 state concern, as designated by s. 380.0552 or chapter 28-36,  
144 Florida Administrative Code.

145 (6) Notwithstanding any other law or local ordinance or  
146

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

148 And the title is amended as follows:

149 Delete lines 1694 - 1716

150 and insert:

151 125.01055, F.S.; adding linkage fee ordinances as land  
152 use mechanisms that counties are authorized to adopt  
153 and maintain; providing that affordable housing  
154 linkage fee ordinances may require the payment of  
155 certain fees; authorizing a board of county  
156 commissioners to approve development of affordable



215652

157 housing on any parcel zoned for residential,  
158 commercial, or industrial use; amending s. 129.03,  
159 F.S.; revising the information required to be annually  
160 submitted by county budget officers to the Office of  
161 Economic and Demographic Research; requiring certain  
162 information to be included beginning in a specified  
163 submission; amending s. 163.31771, F.S.; revising  
164 conditions under which local governments are  
165 authorized to adopt ordinances that allow accessory  
166 dwelling units in any area zoned for single-family  
167 residential use; amending s. 163.31801, F.S.;  
168 requiring counties, municipalities, and special  
169 districts to include certain data relating to impact  
170 fees in their annual financial reports; amending s.  
171 166.04151, F.S.; adding linkage fee ordinances as land  
172 use mechanisms that municipalities are authorized to  
173 adopt and maintain; providing that affordable housing  
174 linkage fee ordinances may require the payment of  
175 certain fees; authorizing governing bodies of