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LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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03/10/2020 01:58 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 (1) or subsection (2), a county must
25 provide incentives to fully offset all costs to the developer of
26 its affordable housing contribution or linkage fee. Such
27 incentives may include, but are not limited to:

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

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

33 (c) Granting other incentives.

34 (5)~~(3)~~ Subsection (2) does not apply in an area of critical
35 state concern, as designated in s. 380.0552.

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



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

43 129.03 Preparation and adoption of budget.—

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

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

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

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

62 3. Median income within the county.

63 4. The average county employee salary.

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

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

68 7. Annual county expenditures providing for the financing,
69 acquisition, construction, reconstruction, or rehabilitation of



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

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

78 163.31771 Accessory dwelling units.—

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

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

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

92 163.31801 Impact fees; short title; intent; minimum
93 requirements; audits; challenges.—

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

98 (a) The specific purpose of the impact fee, including the



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99 specific infrastructure needs to be met, including, but not
100 limited to, transportation, parks, water, sewer, and schools.

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

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

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

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

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

112 166.04151 Affordable housing.—

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

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

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



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128 (4) ~~However,~~ In exchange for a developer fulfilling the
129 requirements of subsection (1) or subsection (2), a municipality
130 must provide incentives to fully offset all costs to the
131 developer of its affordable housing contribution or linkage fee.
132 Such incentives may include, but are not limited to:

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

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

138 (c) Granting other incentives.

139 (5) ~~(3)~~ Subsection (2) does not apply in an area of critical
140 state concern, as designated by s. 380.0552 or chapter 28-36,
141 Florida Administrative Code.

142 (6) Notwithstanding any other law or local ordinance or
143

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

145 And the title is amended as follows:

146 Delete lines 1694 - 1716

147 and insert:

148 125.01055, F.S.; adding linkage fee ordinances as land
149 use mechanisms that counties are authorized to adopt
150 and maintain; providing that affordable housing
151 linkage fee ordinances may require the payment of
152 certain fees; authorizing a board of county
153 commissioners to approve development of affordable
154 housing on any parcel zoned for residential,
155 commercial, or industrial use; amending s. 129.03,
156 F.S.; revising the information required to be annually



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