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LEGISLATIVE ACTION

Senate

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House

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Senator Brandes moved the following:

**Senate Amendment (with title amendment)**

Delete lines 195 - 279

and insert:

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

125.01055 Affordable housing.—

(1) Notwithstanding any other provision of law, a county may adopt and maintain in effect any law, ordinance, rule, or other measure that is adopted for the purpose of increasing the supply of affordable housing using land use mechanisms such as



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12 inclusionary housing or linkage fee ordinances.

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

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

22 (4) ~~However,~~ In exchange for a developer fulfilling the  
23 requirements of subsections (1) or (2), a county must provide  
24 incentives to fully offset all costs to the developer of its  
25 affordable housing contribution or linkage fee. Such incentives  
26 may include, but are not limited to:

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

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

32 (c) Granting other incentives.

33 (5) ~~(3)~~ Subsection (2) does not apply in an area of critical  
34 state concern, as designated in s. 380.0552.

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

40 Section 2. Paragraph (d) of subsection (3) of section



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41 129.03, Florida Statutes, is amended to read:

42 129.03 Preparation and adoption of budget.—

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

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

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

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

61 3. Median income within the county.

62 4. The average county employee salary.

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

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

67 7. Annual county expenditures providing for the financing,  
68 acquisition, construction, reconstruction, or rehabilitation of  
69 housing that is affordable, as that term is defined in s.



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

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

77 163.31771 Accessory dwelling units.—

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

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

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

91 163.31801 Impact fees; short title; intent; minimum  
92 requirements; audits; challenges.—

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

97 (a) The specific purpose of the impact fee, including the  
98 specific infrastructure needs to be met, including, but not



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99 limited to, transportation, parks, water, sewer, and schools.

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

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

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

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

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

111 166.04151 Affordable housing.—

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

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

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

127 (4) ~~However,~~ In exchange for a developer fulfilling the



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128 requirements of subsections (1) or (2), a municipality must  
129 provide incentives to fully offset all costs to the developer of  
130 its affordable housing contribution or linkage fee. Such  
131 incentives may include, but are not limited to:

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

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

137 (c) Granting other incentives.

138 (5)(3) Subsection (2) does not apply in an area of critical  
139 state concern, as designated by s. 380.0552 or chapter 28-36,  
140 Florida Administrative Code.

141 (6) Notwithstanding any other law or local ordinance or  
142 regulation to the contrary, the governing body of a municipality  
143 may approve the development of housing that is affordable, as  
144 defined in s. 420.0004, on any parcel zoned for residential,  
145 commercial, or industrial use.

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 3 - 22

150 and insert:

151 F.S.; adding linkage fee ordinances as land use  
152 mechanisms that counties are authorized to adopt and  
153 maintain; providing requirements for affordable  
154 housing linkage fee ordinances; authorizing a board of  
155 county commissioners to approve development of  
156 affordable housing on any parcel zoned for



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157 residential, commercial, or industrial use; amending  
158 s. 129.03, F.S.; revising the information required to  
159 be annually submitted by county budget officers to the  
160 Office of Economic and Demographic Research; requiring  
161 certain information to be included beginning in a  
162 specified submission; amending s. 163.31771, F.S.;;  
163 revising conditions under which local governments are  
164 authorized to adopt ordinances that allow accessory  
165 dwelling units in any area zoned for single-family  
166 residential use; amending s. 163.31801, F.S.;;  
167 requiring counties, municipalities, and special  
168 districts to include certain data relating to impact  
169 fees in their annual financial reports; amending s.  
170 166.04151, F.S.; adding linkage fee ordinances as land  
171 use mechanisms that municipalities are authorized to  
172 adopt and maintain; providing requirements for  
173 affordable housing linkage fee ordinances; authorizing  
174 governing bodies of municipalities to approve the  
175 development of affordable housing on any parcel zoned  
176 for residential, commercial, or industrial use;  
177 amending s. 166.241, F.S.; revising