

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Harris offered the following:

Amendment (with title amendment)

Remove lines 216-585 and insert:

Section 2. Subsections (5) and (6) of section 125.01055, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

125.01055 Affordable housing.—

(5) Subsection (4) ~~(2)~~ does not apply in an area of critical state concern, as designated in s. 380.0552.

(6) Notwithstanding any other law or local ordinance or regulation to the contrary, the board of county commissioners may approve the development of housing that is affordable, as

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14 defined in s. 420.0004, including, but not limited to, a mixed-
15 use residential development, on any parcel zoned for
16 ~~residential, commercial, or industrial use. If a parcel is zoned~~
17 ~~for commercial or industrial use, an approval pursuant to this~~
18 ~~subsection may include any residential development project,~~
19 ~~including a mixed-use residential development project,~~ so long
20 as at least 10 percent of the units included in the project are
21 for housing that is affordable ~~and the developer of the project~~
22 ~~agrees not to apply for or receive funding under s. 420.5087.~~
23 The provisions of this subsection are self-executing and do not
24 require the board of county commissioners to adopt an ordinance
25 or a regulation before using the approval process in this
26 subsection.

27 (7) (a) A county must authorize multifamily and mixed-use
28 residential as allowable uses in any area zoned for commercial,
29 industrial, or mixed use if at least 40 percent of the
30 residential units in a proposed multifamily rental development
31 are, for a period of at least 30 years, affordable as defined in
32 s. 420.0004. Notwithstanding any other law, local ordinance, or
33 regulation to the contrary, a county may not require a proposed
34 multifamily development to obtain a zoning or land use change,
35 special exception, conditional use approval, variance, or
36 comprehensive plan amendment for the building height, zoning,
37 and densities authorized under this subsection. For mixed-use

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38 residential projects, at least 65 percent of the total square
39 footage must be used for residential purposes.

40 (b) A county may not restrict the density of a proposed
41 development authorized under this subsection below the highest
42 allowed density on any unincorporated land in the county where
43 residential development is allowed.

44 (c) A county may not restrict the height of a proposed
45 development authorized under this subsection below the highest
46 currently allowed height for a commercial or residential
47 development located in its jurisdiction within 1 mile of the
48 proposed development or 3 stories, whichever is higher.

49 (d) A proposed development authorized under this
50 subsection must be administratively approved and no further
51 action by the board of county commissioners is required if the
52 development satisfies the county's land development regulations
53 for multifamily developments in areas zoned for such use and is
54 otherwise consistent with the comprehensive plan, with the
55 exception of provisions establishing allowable densities,
56 height, and land use. Such land development regulations include,
57 but are not limited to, regulations relating to setbacks and
58 parking requirements.

59 (e) A county must consider reducing parking requirements
60 for a proposed development authorized under this subsection if
61 the development is located within one-half mile of a major

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62 transit stop, as defined in the county's land development code,
63 and the major transit stop is accessible from the development.

64 (f) For proposed multifamily developments in an
65 unincorporated area zoned for commercial or industrial use which
66 is within the boundaries of a multicounty independent special
67 district that was created to provide municipal services and is
68 not authorized to levy ad valorem taxes, and less than 20
69 percent of the land area within such district is designated for
70 commercial or industrial use, a county must authorize, as
71 provided in this subsection, such development only if the
72 development is mixed-use residential.

73 (g) Except as otherwise provided in this subsection, a
74 development authorized under this subsection must comply with
75 all applicable state and local laws and regulations.

76 (h) This subsection does not apply to property defined as
77 recreational and commercial working waterfront in s.
78 342.201(2)(b) in any area zoned as industrial.

79 (i) This subsection expires October 1, 2033.

80 Section 3. Section 125.379, Florida Statutes, is amended
81 to read:

82 125.379 Disposition of county property for affordable
83 housing.—

84 (1) By October 1, 2023 ~~July 1, 2007~~, and every 3 years
85 thereafter, each county shall prepare an inventory list of all
86 real property within its jurisdiction to which the county or any

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87 dependent special district within its boundaries holds fee
88 simple title which ~~that~~ is appropriate for use as affordable
89 housing. The inventory list must include the address and legal
90 description of each such real property and specify whether the
91 property is vacant or improved. The governing body of the county
92 must review the inventory list at a public hearing and may
93 revise it at the conclusion of the public hearing. The governing
94 body of the county shall adopt a resolution that includes an
95 inventory list of such property following the public hearing.
96 Each county shall make the inventory list publicly available on
97 its website to encourage potential development.

98 (2) The properties identified as appropriate for use as
99 affordable housing on the inventory list adopted by the county
100 may be used for affordable housing through a long-term land
101 lease requiring the development and maintenance of affordable
102 housing, offered for sale and the proceeds used to purchase land
103 for the development of affordable housing or to increase the
104 local government fund earmarked for affordable housing, ~~or may~~
105 ~~be~~ sold with a restriction that requires the development of the
106 property as permanent affordable housing, or ~~may be~~ donated to a
107 nonprofit housing organization for the construction of permanent
108 affordable housing. Alternatively, the county or special
109 district may otherwise make the property available for use for
110 the production and preservation of permanent affordable housing.

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111 For purposes of this section, the term "affordable" has the same
112 meaning as in s. 420.0004(3).

113 (3) Counties are encouraged to adopt best practices for
114 surplus land programs, including, but not limited to:

115 (a) Establishing eligibility criteria for the receipt or
116 purchase of surplus land by developers;

117 (b) Making the process for requesting surplus lands
118 publicly available; and

119 (c) Ensuring long-term affordability through ground leases
120 by retaining the right of first refusal to purchase property
121 that would be sold or offered at market rate and by requiring
122 reversion of property not used for affordable housing within a
123 certain timeframe.

124 Section 4. Subsections (5) and (6) of section 166.04151,
125 Florida Statutes, are amended, and subsection (7) is added to
126 that section, to read:

127 166.04151 Affordable housing.—

128 (5) Subsection (4) ~~(2)~~ does not apply in an area of
129 critical state concern, as designated by s. 380.0552 or chapter
130 28-36, Florida Administrative Code.

131 (6) Notwithstanding any other law or local ordinance or
132 regulation to the contrary, the governing body of a municipality
133 may approve the development of housing that is affordable, as
134 defined in s. 420.0004, including, but not limited to, a mixed-
135 use residential development, on any parcel zoned for

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136 ~~residential, commercial, or industrial use. If a parcel is zoned~~
137 ~~for commercial or industrial use, an approval pursuant to this~~
138 ~~subsection may include any residential development project,~~
139 ~~including a mixed-use residential development project, so long~~
140 ~~as at least 10 percent of the units included in the project are~~
141 ~~for housing that is affordable and the developer of the project~~
142 ~~agrees not to apply for or receive funding under s. 420.5087.~~
143 The provisions of this subsection are self-executing and do not
144 require the governing body to adopt an ordinance or a regulation
145 before using the approval process in this subsection.

146 (7) (a) A municipality must authorize multifamily and
147 mixed-use residential as allowable uses in any area zoned for
148 commercial, industrial, or mixed use if at least 40 percent of
149 the residential units in a proposed multifamily rental
150 development are, for a period of at least 30 years, affordable
151 as defined in s. 420.0004. Notwithstanding any other law, local
152 ordinance, or regulation to the contrary, a municipality may not
153 require a proposed multifamily development to obtain a zoning or
154 land use change, special exception, conditional use approval,
155 variance, or comprehensive plan amendment for the building
156 height, zoning, and densities authorized under this subsection.
157 For mixed-use residential projects, at least 65 percent of the
158 total square footage must be used for residential purposes.

159 (b) A municipality may not restrict the density of a
160 proposed development authorized under this subsection below the

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161 highest allowed density on any land in the municipality where
162 residential development is allowed.

163 (c) A municipality may not restrict the height of a
164 proposed development authorized under this subsection below the
165 highest currently allowed height for a commercial or residential
166 development located in its jurisdiction within 1 mile of the
167 proposed development or 3 stories, whichever is higher.

168 (d) A proposed development authorized under this
169 subsection must be administratively approved and no further
170 action by the governing body of the municipality is required if
171 the development satisfies the municipality's land development
172 regulations for multifamily developments in areas zoned for such
173 use and is otherwise consistent with the comprehensive plan,
174 with the exception of provisions establishing allowable
175 densities, height, and land use. Such land development
176 regulations include, but are not limited to, regulations
177 relating to setbacks and parking requirements.

178 (e) A municipality must consider reducing parking
179 requirements for a proposed development authorized under this
180 subsection if the development is located within one-half mile of
181 a major transit stop, as defined in the municipality's land
182 development code, and the major transit stop is accessible from
183 the development.

184 (f) A municipality that designates less than 20 percent of
185 the land area within its jurisdiction for commercial or

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186 industrial use must authorize a proposed multifamily development
187 as provided in this subsection in areas zoned for commercial or
188 industrial use only if the proposed multifamily development is
189 mixed-use residential.

190 (g) Except as otherwise provided in this subsection, a
191 development authorized under this subsection must comply with
192 all applicable state and local laws and regulations.

193 (h) This subsection does not apply to property defined as
194 recreational and commercial working waterfront in s.
195 342.201(2)(b) in any area zoned as industrial.

196 (i) This subsection expires October 1, 2033.

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

200

Remove lines 3-29 and insert:

201

amending s. 125.01055, F.S.; revising applicability

202

for areas of critical state concern; specifying

203

requirements for, and restrictions on, counties in

204

approving certain housing developments; providing for

205

future expiration; amending s. 125.379, F.S.; revising

206

the date by which counties must prepare inventory

207

lists of real property; requiring counties to make the

208

inventory lists publicly available on their websites;

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authorizing counties to use certain properties for

210

affordable housing through a long-term land lease;

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211 | revising requirements for counties relating to
212 | inventory lists of certain property for affordable
213 | housing; providing that counties are encouraged to
214 | adopt best practices for surplus land programs;
215 | amending s. 166.04151, F.S.; revising applicability
216 | for areas of critical state concern; specifying
217 | requirements for, and restrictions on, municipalities
218 | in approving applications for certain housing
219 | developments; providing for future expiration;
220 | amending s.

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