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LEGISLATIVE ACTION

Senate

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House

Floor: 2/AD/2R

03/08/2023 05:00 PM

Senator Calatayud moved the following:

Senate Amendment

Delete lines 328 - 475

and insert:

residential as allowable uses in any area zoned for commercial,
industrial, or mixed use if at least 40 percent of the
residential units in a proposed multifamily rental development
are, for a period of at least 30 years, affordable as defined in
s. 420.0004. Notwithstanding any other law, local ordinance, or
regulation to the contrary, a county may not require a proposed
multifamily development to obtain a zoning or land use change,



887768

12 special exception, conditional use approval, variance, or
13 comprehensive plan amendment for the building height, zoning,
14 and densities authorized under this subsection. For mixed-use
15 residential projects, at least 65 percent of the total square
16 footage must be used for residential purposes.

17 (b) A county may not restrict the density of a proposed
18 development authorized under this subsection below the highest
19 allowed density on any unincorporated land in the county where
20 residential development is allowed.

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

26 (d) A proposed development authorized under this subsection
27 must be administratively approved and no further action by the
28 board of county commissioners is required if the development
29 satisfies the county's land development regulations for
30 multifamily developments in areas zoned for such use and is
31 otherwise consistent with the comprehensive plan, with the
32 exception of provisions establishing allowable densities,
33 height, and land use. Such land development regulations include,
34 but are not limited to, regulations relating to setbacks and
35 parking requirements.

36 (e) A county must consider reducing parking requirements
37 for a proposed development authorized under this subsection if
38 the development is located within one-half mile of a major
39 transit stop, as defined in the county's land development code,
40 and the major transit stop is accessible from the development.



887768

41 (f) For proposed multifamily developments in an
42 unincorporated area zoned for commercial or industrial use which
43 is within the boundaries of a multicounty independent special
44 district that was created to provide municipal services and is
45 not authorized to levy ad valorem taxes, and less than 20
46 percent of the land area within such district is designated for
47 commercial or industrial use, a county must authorize, as
48 provided in this subsection, such development only if the
49 development is mixed-use residential.

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

53 (h) This subsection does not apply to property defined as
54 recreational and commercial working waterfront in s.
55 342.201(2)(b) in any area zoned as industrial.

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

57 Section 4. Section 125.379, Florida Statutes, is amended to
58 read:

59 125.379 Disposition of county property for affordable
60 housing.—

61 (1) By October 1, 2023 ~~July 1, 2007~~, and every 3 years
62 thereafter, each county shall prepare an inventory list of all
63 real property within its jurisdiction to which the county or any
64 dependent special district within its boundaries holds fee
65 simple title which ~~that~~ is appropriate for use as affordable
66 housing. The inventory list must include the address and legal
67 description of each such real property and specify whether the
68 property is vacant or improved. The governing body of the county
69 must review the inventory list at a public hearing and may



887768

70 revise it at the conclusion of the public hearing. The governing
71 body of the county shall adopt a resolution that includes an
72 inventory list of such property following the public hearing.
73 Each county shall make the inventory list publicly available on
74 its website to encourage potential development.

75 (2) The properties identified as appropriate for use as
76 affordable housing on the inventory list adopted by the county
77 may be used for affordable housing through a long-term land
78 lease requiring the development and maintenance of affordable
79 housing, offered for sale and the proceeds used to purchase land
80 for the development of affordable housing or to increase the
81 local government fund earmarked for affordable housing, ~~or may~~
82 ~~be~~ sold with a restriction that requires the development of the
83 property as permanent affordable housing, or ~~may be~~ donated to a
84 nonprofit housing organization for the construction of permanent
85 affordable housing. Alternatively, the county or special
86 district may otherwise make the property available for use for
87 the production and preservation of permanent affordable housing.
88 For purposes of this section, the term "affordable" has the same
89 meaning as in s. 420.0004(3).

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

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

94 (b) Making the process for requesting surplus lands
95 publicly available; and

96 (c) Ensuring long-term affordability through ground leases
97 by retaining the right of first refusal to purchase property
98 that would be sold or offered at market rate and by requiring



887768

99 reversion of property not used for affordable housing within a
100 certain timeframe.

101 Section 5. Subsections (5) and (6) of section 166.04151,
102 Florida Statutes, are amended, and subsection (7) is added to
103 that section, to read:

104 166.04151 Affordable housing.—

105 (5) Subsection (4) ~~(2)~~ does not apply in an area of
106 critical state concern, as designated by s. 380.0552 or chapter
107 28-36, Florida Administrative Code.

108 (6) Notwithstanding any other law or local ordinance or
109 regulation to the contrary, the governing body of a municipality
110 may approve the development of housing that is affordable, as
111 defined in s. 420.0004, including, but not limited to, a mixed-
112 use residential development, on any parcel zoned for
113 ~~residential, commercial, or industrial use. If a parcel is zoned~~
114 ~~for commercial or industrial use, an approval pursuant to this~~
115 ~~subsection may include any residential development project,~~
116 ~~including a mixed-use residential development project,~~ so long
117 as at least 10 percent of the units included in the project are
118 for housing that is affordable ~~and the developer of the project~~
119 ~~agrees not to apply for or receive funding under s. 420.5087.~~
120 The provisions of this subsection are self-executing and do not
121 require the governing body to adopt an ordinance or a regulation
122 before using the approval process in this subsection.

123 (7) (a) A municipality must authorize multifamily and mixed-
124 use residential as allowable uses in any area zoned for
125 commercial, industrial, or mixed use if at least 40 percent of
126 the residential units in a proposed multifamily rental
127 development are, for a period of at least 30 years, affordable



887768

128 as defined in s. 420.0004. Notwithstanding any other law, local
129 ordinance, or regulation to the contrary, a municipality may not
130 require a proposed multifamily development to obtain a zoning or
131 land use change, special exception, conditional use approval,
132 variance, or comprehensive plan amendment for the building
133 height, zoning, and densities authorized under this subsection.
134 For mixed-use residential projects, at least 65 percent of the
135 total square footage must be used for residential purposes.

136 (b) A municipality may not restrict the density of a
137 proposed development authorized under this subsection below the
138 highest allowed density on any land in the municipality where
139 residential development is allowed.

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

145 (d) A proposed development authorized under this subsection
146 must be administratively approved and no further action by the
147 governing body of the municipality is required if the
148 development satisfies the municipality's land development
149 regulations for multifamily developments in areas zoned for such
150 use and is otherwise consistent with the comprehensive plan,
151 with the exception of provisions establishing allowable
152 densities, height, and land use. Such land development
153 regulations include, but are not limited to, regulations
154 relating to setbacks and parking requirements.

155 (e) A municipality must consider reducing parking
156 requirements for a proposed development authorized under this



887768

157 subsection if the development is located within one-half mile of
158 a major transit stop, as defined in the municipality's land
159 development code, and the major transit stop is accessible from
160 the development.

161 (f) A municipality that designates less than 20 percent of
162 the land area within its jurisdiction for commercial or
163 industrial use must authorize a proposed multifamily development
164 as provided in this subsection in areas zoned for commercial or
165 industrial use only if the proposed multifamily development is
166 mixed-use residential.

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

170 (h) This subsection does not apply to property defined as
171 recreational and commercial working waterfront in s.
172 342.201(2)(b) in any area zoned as industrial.

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