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LEGISLATIVE ACTION

Senate

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House

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Floor: WD

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03/08/2023 03:58 PM

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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,



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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.



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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 expires October 1, 2033.

54 Section 4. Section 125.379, Florida Statutes, is amended to
55 read:

56 125.379 Disposition of county property for affordable
57 housing.—

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



70 Each county shall make the inventory list publicly available on
71 its website to encourage potential development.

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

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

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

91 (b) Making the process for requesting surplus lands
92 publicly available; and

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

98 Section 5. Subsections (5) and (6) of section 166.04151,



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99 Florida Statutes, are amended, and subsection (7) is added to
100 that section, to read:

101 166.04151 Affordable housing.—

102 (5) Subsection (4) ~~(2)~~ does not apply in an area of
103 critical state concern, as designated by s. 380.0552 or chapter
104 28-36, Florida Administrative Code.

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

120 (7) (a) A municipality must authorize multifamily and mixed-
121 use residential as allowable uses in any area zoned for
122 commercial, industrial, or mixed use if at least 40 percent of
123 the residential units in a proposed multifamily rental
124 development are, for a period of at least 30 years, affordable
125 as defined in s. 420.0004. Notwithstanding any other law, local
126 ordinance, or regulation to the contrary, a municipality may not
127 require a proposed multifamily development to obtain a zoning or



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128 land use change, special exception, conditional use approval,
129 variance, or comprehensive plan amendment for the building
130 height, zoning, and densities authorized under this subsection.
131 For mixed-use residential projects, at least 65 percent of the
132 total square footage must be used for residential purposes.

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

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

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

152 (e) A municipality must consider reducing parking
153 requirements for a proposed development authorized under this
154 subsection if the development is located within one-half mile of
155 a major transit stop, as defined in the municipality's land
156 development code, and the major transit stop is accessible from



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157 the development.

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

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

167 (h) This subsection expires October 1, 2033.