

By Senator Rodriguez

40-01334A-23

20231212__

1 A bill to be entitled
2 An act relating to affordable housing; amending s.
3 125.01055, F.S.; providing that a provision
4 authorizing the board of county commissioners to
5 approve certain development projects does not apply in
6 a specified area of critical state concern; amending
7 s. 166.04151, F.S.; providing that a provision
8 authorizing a municipality to approve certain
9 development projects does not apply in a specified
10 area of critical state concern; amending s. 420.9075,
11 F.S.; providing that certain provisions governing
12 awards made pursuant to local housing assistance plans
13 do not apply to counties and municipalities within
14 areas of critical state concern meeting certain
15 criteria; providing for retroactive application and
16 future expiration; providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Subsection (6) of section 125.01055, Florida
21 Statutes, is amended to read:

22 125.01055 Affordable housing.—

23 (6) Notwithstanding any other law, or ~~or~~ local ordinance, or
24 regulation to the contrary, the board of county commissioners
25 may approve the development of housing that is affordable, as
26 defined in s. 420.0004, on any parcel zoned for residential,
27 commercial, or industrial use. If a parcel is zoned for
28 commercial or industrial use, an approval pursuant to this
29 subsection may include any residential development project,

40-01334A-23

20231212__

30 including a mixed-use residential development project, so long
31 as at least 10 percent of the units included in the project are
32 for housing that is affordable and the developer of the project
33 agrees not to apply for or receive funding under s. 420.5087.
34 ~~The provisions of~~ This subsection is are self-executing and does
35 ~~de~~ not require the board of county commissioners to adopt an
36 ordinance or a regulation before using the approval process in
37 this subsection. This subsection does not apply to or prevail
38 over laws or local ordinances adopted, administered, or enforced
39 within an area of critical state concern, as designated in s.
40 380.0552.

41 Section 2. Subsection (6) of section 166.04151, Florida
42 Statutes, is amended to read:

43 166.04151 Affordable housing.—

44 (6) Notwithstanding any other law, ~~or~~ or local ordinance, or
45 regulation to the contrary, the governing body of a municipality
46 may approve the development of housing that is affordable, as
47 defined in s. 420.0004, on any parcel zoned for residential,
48 commercial, or industrial use. If a parcel is zoned for
49 commercial or industrial use, an approval pursuant to this
50 subsection may include any residential development project,
51 including a mixed-use residential development project, so long
52 as at least 10 percent of the units included in the project are
53 for housing that is affordable and the developer of the project
54 agrees not to apply for or receive funding under s. 420.5087.
55 ~~The provisions of~~ This subsection is are self-executing and does
56 ~~de~~ not require the governing body to adopt an ordinance or a
57 regulation before using the approval process in this subsection.
58 This subsection does not apply to or prevail over laws or local

40-01334A-23

20231212__

59 ordinances adopted, administered, or enforced within an area of
60 critical state concern, as designated in s. 380.0552.

61 Section 3. Paragraph (g) of subsection (5) of section
62 420.9075, Florida Statutes, is amended to read:

63 420.9075 Local housing assistance plans; partnerships.—

64 (5) The following criteria apply to awards made to eligible
65 sponsors or eligible persons for the purpose of providing
66 eligible housing:

67 (g)1. All units constructed, rehabilitated, or otherwise
68 assisted with the funds provided from the local housing
69 assistance trust fund must be occupied by very-low-income
70 persons, low-income persons, and moderate-income persons except
71 as otherwise provided in this section.

72 2. At least 30 percent of the funds deposited into the
73 local housing assistance trust fund must be reserved for awards
74 to very-low-income persons or eligible sponsors who will serve
75 very-low-income persons, and at least an additional 30 percent
76 of the funds deposited into the local housing assistance trust
77 fund must be reserved for awards to low-income persons or
78 eligible sponsors who will serve low-income persons.

79 3. Subparagraph 2. does not apply to a county or an
80 eligible municipality that includes, or has included within the
81 previous 5 years, an area of critical state concern designated
82 or ratified by the Legislature to provide affordable housing.
83 This subparagraph shall apply retroactively and expires July 1,
84 2028.

85 Section 4. This act shall take effect July 1, 2023.