

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: State Affairs Committee
 2 Representative McClain offered the following:

Amendment (with title amendment)

Between lines 632 and 633, insert:

Section 5. Section 163.32021, Florida Statutes, is created to read:

163.32021 Affordable housing approval process.-

(1) An applicant of a development order of an existing development of housing that demonstrates at the time of submission of his or her application that at least 25 percent of the dwelling units are affordable, as defined in s. 420.0004, may be granted approval to expand the development to adjacent property in any future land use category if at least 25 percent of the new dwelling units are affordable, as defined in s. 420.0004, at the time of the initial sale or lease.

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17 (2) (a) A development order granting an application for a
18 proposed development under subsection (1) shall be issued in
19 accordance with the provisions of chapter 120 and applicable
20 rules and may not require further action by the governing body
21 of a local government if the new development is consistent with
22 the same land development standards, including, but not limited
23 to, lot size and setbacks, as the existing development. A
24 development order issued under this subsection shall be deemed
25 consistent with the local government's land development
26 regulations.

27 (b) Notwithstanding any other law, local ordinance, or
28 regulation to the contrary, an application submitted under
29 subsection (1) which requires a zoning or land use change or a
30 comprehensive plan amendment may not be approved. A development
31 order issued for a proposed development under this subsection
32 shall be deemed in compliance, as defined in s. 163.3184(1),
33 with the local government's comprehensive plan.

34 (3) Upon the issuance of a development order approving a
35 proposed development, the local government may not restrict:

36 (a) The density of the new development below the density
37 of the existing development.

38 (b) The height of the new development below the highest
39 currently allowed height in the existing development.

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40 (4) Except as otherwise provided in this section, a
41 development approved under this section must comply with all
42 applicable state and local laws and regulations.

43 (5) The provisions of this section are self-executing and
44 do not require the governing body of a local government to adopt
45 an ordinance or a regulation before using the approval process
46 in this section.

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

50 Remove line 43 and insert:
51 a definition; creating s. 163.32021, F.S.; providing
52 an affordable housing approval process; providing for
53 the expansion of an existing development of housing
54 that contains affordable dwelling units if certain
55 requirements are met; providing for the issuance of a
56 development order approving an application for such
57 expansion; requiring such order to be issued in
58 accordance with chapter 120; prohibiting such order
59 from requiring further action by the governing body of
60 a local government if certain requirements are met;
61 prohibiting the issuance of an order approving a
62 proposed development in certain instances; providing
63 that an order issued shall be deemed in compliance
64 with the local government's comprehensive plan;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 439 (2023)

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65 | prohibiting local governments from imposing certain
66 | restrictions upon the issuance of a development order;
67 | requiring developments approved under the process to
68 | comply with certain enumerated laws and regulations;
69 | providing construction; amending ss. 189.08 and
70 | 479.01, F.S.;