

Amendment No. 1

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WITHDRAWN	_____	(Y/N)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: Ways & Means Committee
 2 Representative Busatta Cabrera offered the following:

Amendment (with title amendment)

Remove lines 328-475 and insert:

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 6 residential as allowable uses in any area zoned for commercial,
 7 industrial, or mixed use if at least 40 percent of the
 8 residential units in a proposed multifamily rental development
 9 are, for a period of at least 30 years, affordable as defined in
 10 s. 420.0004. Notwithstanding any other law, local ordinance, or
 11 regulation to the contrary, a county may not require a proposed
 12 multifamily development to obtain a zoning or land use change,
 13 special exception, conditional use approval, variance, or
 14 comprehensive plan amendment for the building height, zoning,
 15 and densities authorized under this subsection. For mixed-use

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

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

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

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

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

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

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

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

54 (h) This subsection does not apply to property defined as
55 recreational and commercial working waterfront in s.
56 342.201(2)(b) in any area zoned as industrial.

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

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

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

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

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65 dependent special district within its boundaries holds fee
66 simple title which ~~that~~ is appropriate for use as affordable
67 housing. The inventory list must include the address and legal
68 description of each such real property and specify whether the
69 property is vacant or improved. The governing body of the county
70 must review the inventory list at a public hearing and may
71 revise it at the conclusion of the public hearing. The governing
72 body of the county shall adopt a resolution that includes an
73 inventory list of such property following the public hearing.
74 Each county shall make the inventory list publicly available on
75 its website to encourage potential development.

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

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

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

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

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

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

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

105 166.04151 Affordable housing.—

106 (5) Subsection (4) ~~(2)~~ does not apply in an area of
107 critical state concern, as designated by s. 380.0552 or chapter
108 28-36, Florida Administrative Code.

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

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114 ~~residential, commercial, or industrial use. If a parcel is zoned~~
115 ~~for commercial or industrial use, an approval pursuant to this~~
116 ~~subsection may include any residential development project,~~
117 ~~including a mixed-use residential development project, so long~~
118 ~~as at least 10 percent of the units included in the project are~~
119 ~~for housing that is affordable and the developer of the project~~
120 ~~agrees not to apply for or receive funding under s. 420.5087.~~
121 The provisions of this subsection are self-executing and do not
122 require the governing body to adopt an ordinance or a regulation
123 before using the approval process in this subsection.

124 (7) (a) A municipality must authorize multifamily and
125 mixed-use residential as allowable uses in any area zoned for
126 commercial, industrial, or mixed use if at least 40 percent of
127 the residential units in a proposed multifamily rental
128 development are, for a period of at least 30 years, affordable
129 as defined in s. 420.0004. Notwithstanding any other law, local
130 ordinance, or regulation to the contrary, a municipality may not
131 require a proposed multifamily development to obtain a zoning or
132 land use change, special exception, conditional use approval,
133 variance, or comprehensive plan amendment for the building
134 height, zoning, and densities authorized under this subsection.
135 For mixed-use residential projects, at least 65 percent of the
136 total square footage must be used for residential purposes.

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

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139 highest allowed density on any land in the municipality where
140 residential development is allowed.

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

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

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

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

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164 industrial use must authorize a proposed multifamily development
165 as provided in this subsection in areas zoned for commercial or
166 industrial use only if the proposed multifamily development is
167 mixed-use residential.

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

171 (h) This subsection does not apply to property defined as
172 recreational and commercial working waterfront in s.
173 342.201(2)(b) in any area zoned as industrial.

174 (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

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Remove lines 10-25 and insert:

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housing developments; providing for applicability;

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providing for future expiration; amending s. 125.379,

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F.S.; revising the date by which counties must prepare

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inventory lists of real property; requiring counties

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to make the inventory lists publicly available on

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their websites; authorizing counties to use certain

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properties for affordable housing through a long-term

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land lease; revising requirements for counties

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relating to inventory lists of certain property for

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affordable housing; providing that counties are

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189 encouraged to adopt best practices for surplus land
190 programs; amending s. 166.04151, F.S.; revising
191 applicability for areas of critical state concern;
192 specifying requirements for, and restrictions on,
193 municipalities in approving applications for certain
194 housing developments; providing for applicability;
195 providing for future expiration;