

1 A bill to be entitled
2 An act relating to affordable housing in counties
3 designated as areas of critical state concern;
4 amending ss. 125.01055 and 166.04151, F.S.; excluding
5 land designated as an area of critical state concern
6 from county and municipality affordable housing
7 provisions; amending s. 196.1979, F.S.; providing for
8 an ad valorem property tax exemption of a specified
9 amount for certain property used to provide affordable
10 housing; specifying that certain housing units may be
11 eligible for tax exemptions if certain requirements
12 are met; providing applicability; amending s.
13 380.0552, F.S.; adding certain requirements to local
14 comprehensive plans relating to the hurricane
15 evaluation study; amending s. 380.0666, F.S.; revising
16 the powers of the land authority; providing
17 requirements for conveying affordable housing
18 homeownership units; providing lien status
19 prioritization for certain purposes; amending s.
20 420.9075, F.S.; excluding land designated as an area
21 of critical state concern within a specified time
22 period from award requirements made to specified
23 sponsors or persons for the purpose of providing
24 eligible housing as a part of a local housing
25 assistance plan; providing for expiration and

26 retroactive applicability; authorizing counties that
 27 have been designated as areas of critical state
 28 concern to use tourist development tax revenue and
 29 tourist impact tax revenue for affordable housing;
 30 requiring affordable housing financed with such funds
 31 to be used only to provide affordable housing for a
 32 specified period of time; providing an effective date.
 33

34 Be It Enacted by the Legislature of the State of Florida:
 35

36 Section 1. Subsection (5) of section 125.01055, Florida
 37 Statutes, is amended to read:

38 125.01055 Affordable housing.—

39 (5) Subsections ~~Subsection~~ (4) and (6) do ~~does~~ not apply
 40 in an area of critical state concern, as designated in s.
 41 380.0552.

42 Section 2. Subsection (5) of section 166.04151, Florida
 43 Statutes, is amended to read:

44 166.04151 Affordable housing.—

45 (5) Subsections ~~Subsection~~ (4) and (6) do ~~does~~ not apply
 46 in an area of critical state concern, as designated by s.
 47 380.0552 or chapter 28-36, Florida Administrative Code.

48 Section 3. Paragraph (e) of subsection (3) of section
 49 196.1979, Florida Statutes, is amended, and paragraph (d) is
 50 added to subsection (1) of that section, to read:

51 196.1979 County and municipal affordable housing property
52 exemption.—

53 (1)

54 (d)1. Notwithstanding subparagraph (1)(a)2., a housing
55 unit located within the Florida Keys Area pursuant to s.
56 380.0552 or the Key West Area pursuant to chapter 28-36, Florida
57 Administrative Code, as amended, effective August 23, 1984, may
58 be eligible for a tax exemption under this section if the
59 housing unit otherwise meets the requirements of this section
60 and the unit is being offered for rent.

61 2. In addition to the tax exemptions otherwise provided in
62 this section, up to 100 percent of the assessed value of a
63 single-family residential unit or a residential duplex located
64 within the Florida Keys Area pursuant to s. 380.0552 or the Key
65 West Area pursuant to chapter 28-36, Florida Administrative
66 Code, as amended, effective August 23, 1984, may be exempt if
67 such property is used to provide affordable housing that meets
68 the requirements of this section, other than subparagraph
69 (1)(a)2., and the unit is being offered for rent.

70 3. This paragraph first applies to the 2025 tax roll.

71 (3) An ordinance granting the exemption authorized by this
72 section must:

73 (e) Require the eligible unit to meet the eligibility
74 criteria of paragraph (1) (a) or paragraph (1) (d).

75 Section 4. Paragraph (a) of subsection (9) of section

76 | 380.0552, Florida Statutes, is amended to read:

77 | 380.0552 Florida Keys Area; protection and designation as
78 | area of critical state concern.—

79 | (9) MODIFICATION TO PLANS AND REGULATIONS.—

80 | (a) Any land development regulation or element of a local
81 | comprehensive plan in the Florida Keys Area may be enacted,
82 | amended, or rescinded by a local government, but the enactment,
83 | amendment, or rescission becomes effective only upon approval by
84 | the state land planning agency. The state land planning agency
85 | shall review the proposed change to determine if it is in
86 | compliance with the principles for guiding development specified
87 | in chapter 27F-8, Florida Administrative Code, as amended
88 | effective August 23, 1984, and must approve or reject the
89 | requested changes within 60 days after receipt. Amendments to
90 | local comprehensive plans in the Florida Keys Area must also be
91 | reviewed for compliance with the following:

92 | 1. Construction schedules and detailed capital financing
93 | plans for wastewater management improvements in the annually
94 | adopted capital improvements element, and standards for the
95 | construction of wastewater treatment and disposal facilities or
96 | collection systems that meet or exceed the criteria in s.
97 | 403.086(11) for wastewater treatment and disposal facilities or
98 | s. 381.0065(4) (1) for onsite sewage treatment and disposal
99 | systems.

100 | 2. Goals, objectives, and policies to protect public

101 safety and welfare in the event of a natural disaster by
 102 maintaining a hurricane evacuation clearance time for permanent
 103 residents of no more than 24 hours. The hurricane evacuation
 104 clearance time shall be determined by a hurricane evacuation
 105 study conducted in accordance with a professionally accepted
 106 methodology and approved by the state land planning agency. For
 107 purposes of hurricane evacuation clearance time modeling:

108 a. Mobile home residents are not considered permanent
 109 residents.

110 b. The Key West Area pursuant to chapter 28-36, Florida
 111 Administrative Code, as amended, effective August 23, 1984,
 112 shall be included in the hurricane evaluation study.

113 Section 5. Subsection (14) of section 380.0666, Florida
 114 Statutes, is added to read:

115 380.0666 Powers of land authority.—The land authority
 116 shall have all the powers necessary or convenient to carry out
 117 and effectuate the purposes and provisions of this act,
 118 including the following powers, which are in addition to all
 119 other powers granted by other provisions of this act:

120 (14) For affordable housing homeownership units, to
 121 require compliance with the income requirements under paragraph
 122 (3)(a) at the time of conveyance each time a unit is conveyed.
 123 The original land authority funding or contribution shall be
 124 memorialized in a recordable perpetual deed restriction. If the
 125 purchase receives state or federal funding and that state or

126 federal funding program requires a priority lien position over
127 the land authority deed restriction, the land authority funding
128 or contribution may be subordinate to a first purchase money
129 mortgage and the state or federal funding lien.

130 Section 6. Paragraph (g) of subsection (5) of section
131 420.9075, Florida Statutes, is amended to read:

132 420.9075 Local housing assistance plans; partnerships.—

133 (5) The following criteria apply to awards made to
134 eligible sponsors or eligible persons for the purpose of
135 providing eligible housing:

136 (g)1. All units constructed, rehabilitated, or otherwise
137 assisted with the funds provided from the local housing
138 assistance trust fund must be occupied by very-low-income
139 persons, low-income persons, and moderate-income persons except
140 as otherwise provided in this section.

141 2.a. At least 30 percent of the funds deposited into the
142 local housing assistance trust fund must be reserved for awards
143 to very-low-income persons or eligible sponsors who will serve
144 very-low-income persons, and at least an additional 30 percent
145 of the funds deposited into the local housing assistance trust
146 fund must be reserved for awards to low-income persons or
147 eligible sponsors who will serve low-income persons.

148 b. This subparagraph does not apply to a county or an
149 eligible municipality that includes or has included within the
150 previous 5 years an area of critical state concern designated by

151 the Legislature for which the Legislature has declared its
152 intent to provide affordable housing. This sub-subparagraph
153 expires on July 1, 2029, and applies retroactively.

154 Section 7. (1) A county that has been designated as an
155 area of critical state concern by law or by action of the
156 Administration Commission pursuant to s. 380.05, Florida
157 Statutes, and that levies both a tourist development tax
158 pursuant to s. 125.0104, Florida Statutes, and a tourist impact
159 tax pursuant to s. 125.0108, Florida Statutes, shall use its
160 accumulated surplus from such taxes collected through September
161 30, 2024, whether held by the county directly or held by a land
162 authority in the county created pursuant to s. 380.0663, for the
163 purpose of providing housing that is:

164 (a) Affordable, as defined in s. 420.0004, Florida
165 Statutes.

166 (b) Available to employees of tourism-related businesses
167 in the county.

168 (2) Any housing financed with funds from this surplus
169 shall be used only to provide housing that is affordable, as
170 defined in s. 420.0004, Florida Statutes, for a period of no
171 less than 99 years.

172 Section 8. This act shall take effect July 1, 2024.