

By Senator Rodriguez

40-01528B-24

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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, respectively; amending s. 196.1979, F.S.;  
8       providing for an ad valorem property tax exemption of  
9       a specified amount for certain property used to  
10      provide affordable housing; specifying that certain  
11      housing units may be eligible for tax exemptions if  
12      certain requirements are met; providing applicability;  
13      conforming a provision to changes made by the act;  
14      amending s. 380.0552, F.S.; adding certain  
15      requirements to local comprehensive plans relating to  
16      a hurricane evaluation study; amending s. 380.0666,  
17      F.S.; revising the powers of the land authority;  
18      providing requirements for conveying affordable  
19      housing homeownership units; providing lien status  
20      prioritization for certain purposes; amending s.  
21      420.9075, F.S.; excluding land designated as an area  
22      of critical state concern within a specified timeframe  
23      from award requirements made to specified sponsors or  
24      persons for the purpose of providing eligible housing  
25      as a part of a local housing assistance plan;  
26      providing for expiration and retroactive  
27      applicability; authorizing counties that have been  
28      designated as areas of critical state concern to use  
29      specified tourist development tax revenue for

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30 affordable workforce or employee housing; providing an  
31 effective date.

32  
33 Be It Enacted by the Legislature of the State of Florida:

34  
35 Section 1. Subsection (5) of section 125.01055, Florida  
36 Statutes, is amended to read:

37 125.01055 Affordable housing.—

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

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

42 166.04151 Affordable housing.—

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

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

50 196.1979 County and municipal affordable housing property  
51 exemption.—

52 (1)

53 (b) Qualified property may receive an ad valorem property  
54 tax exemption of:

55 1. Up to 75 percent of the assessed value of each  
56 residential unit used to provide affordable housing if fewer  
57 than 100 percent of the multifamily project's residential units  
58 are used to provide affordable housing meeting the requirements

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59 of this section.

60 2. Up to 100 percent of the assessed value if 100 percent  
61 of the multifamily project's residential units are used to  
62 provide affordable housing meeting the requirements of this  
63 section.

64 3. Up to 100 percent of the assessed value if the  
65 residential unit is a single-family residential unit or a  
66 residential duplex, and such property is used to provide  
67 affordable housing meeting the requirements of this section.

68 (d)1. Notwithstanding subparagraph (a)2., a housing unit  
69 located within the Florida Keys Area pursuant to s. 380.0552 or  
70 the Key West Area pursuant to chapter 28-36, Florida  
71 Administrative Code, as amended, effective August 23, 1984, may  
72 be eligible for a tax exemption under this section if the  
73 housing unit meets the requirements of this section and the unit  
74 is being offered for rent.

75 2. This paragraph first applies to the 2025 tax roll.

76 (3) An ordinance granting the exemption authorized by this  
77 section must:

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

80 Section 4. Paragraph (a) of subsection (9) of section  
81 380.0552, Florida Statutes, is amended to read:

82 380.0552 Florida Keys Area; protection and designation as  
83 area of critical state concern.—

84 (9) MODIFICATION TO PLANS AND REGULATIONS.—

85 (a) Any land development regulation or element of a local  
86 comprehensive plan in the Florida Keys Area may be enacted,  
87 amended, or rescinded by a local government, but the enactment,

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88 amendment, or rescission becomes effective only upon approval by  
89 the state land planning agency. The state land planning agency  
90 shall review the proposed change to determine if it is in  
91 compliance with the principles for guiding development specified  
92 in chapter 27F-8, Florida Administrative Code, as amended  
93 effective August 23, 1984, and must approve or reject the  
94 requested changes within 60 days after receipt. Amendments to  
95 local comprehensive plans in the Florida Keys Area must also be  
96 reviewed for compliance with the following:

97 1. Construction schedules and detailed capital financing  
98 plans for wastewater management improvements in the annually  
99 adopted capital improvements element, and standards for the  
100 construction of wastewater treatment and disposal facilities or  
101 collection systems that meet or exceed the criteria in s.  
102 403.086(11) for wastewater treatment and disposal facilities or  
103 s. 381.0065(4)(1) for onsite sewage treatment and disposal  
104 systems.

105 2. Goals, objectives, and policies to protect public safety  
106 and welfare in the event of a natural disaster by maintaining a  
107 hurricane evacuation clearance time for permanent residents of  
108 no more than 24 hours. The hurricane evacuation clearance time  
109 shall be determined by a hurricane evacuation study conducted in  
110 accordance with a professionally accepted methodology and  
111 approved by the state land planning agency. For purposes of  
112 hurricane evacuation clearance time modeling:

113 a. Mobile home residents are not considered permanent  
114 residents.

115 b. The Key West Area pursuant to chapter 28-36, Florida  
116 Administrative Code, as amended, effective August 23, 1984,

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117 shall be included in the hurricane evaluation study.

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

120 380.0666 Powers of land authority.—The land authority shall  
121 have all the powers necessary or convenient to carry out and  
122 effectuate the purposes and provisions of this act, including  
123 the following powers, which are in addition to all other powers  
124 granted by other provisions of this act:

125 (14) For affordable housing homeownership units, to require  
126 compliance with the income requirements under paragraph (3) (a)  
127 at the time of conveyance each time a unit is conveyed. The  
128 original land authority funding or contribution shall be  
129 memorialized in a recordable perpetual deed restriction. If the  
130 purchase receives state or federal funding and that state or  
131 federal funding program requires a priority lien position over  
132 the land authority deed restriction, the land authority funding  
133 or contribution may be subordinate to a first purchase money  
134 mortgage and the state or federal funding lien.

135 Section 6. Paragraph (g) of subsection (5) of section  
136 420.9075, Florida Statutes, is amended to read:

137 420.9075 Local housing assistance plans; partnerships.—

138 (5) The following criteria apply to awards made to eligible  
139 sponsors or eligible persons for the purpose of providing  
140 eligible housing:

141 (g)1. All units constructed, rehabilitated, or otherwise  
142 assisted with the funds provided from the local housing  
143 assistance trust fund must be occupied by very-low-income  
144 persons, low-income persons, and moderate-income persons except  
145 as otherwise provided in this section.

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

153           b. This subparagraph does not apply to a county or an  
154 eligible municipality that includes or has included within the  
155 previous 5 years an area of critical state concern designated by  
156 the Legislature for which the Legislature has declared its  
157 intent to provide affordable housing. This sub-subparagraph  
158 expires on July 1, 2029, and applies retroactively.

159           Section 7. A county that has been designated as an area of  
160 critical state concern by the Legislature and which levies a  
161 tourist development tax pursuant to s. 125.0104, Florida  
162 Statutes, and a tourist impact tax pursuant to s. 125.0108,  
163 Florida Statutes, may transfer its cumulative surplus tourist  
164 development tax revenue through the fiscal year ending September  
165 30, 2024, which shall be distributed pursuant to s. 125.0108(3),  
166 Florida Statutes, to provide for and support workforce housing  
167 for employees due to impacts from tourist-related businesses  
168 within the county.

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