

By the Committee on Community Affairs; and Senator Rodriguez

578-03043-24

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1 A bill to be entitled
2 An act relating to counties designated as areas of
3 critical state concern; amending s. 380.0552, F.S.;
4 adding certain requirements to local comprehensive
5 plans relating to a hurricane evacuation study;
6 amending s. 380.0666, F.S.; revising the powers of the
7 land authority; providing requirements for conveying
8 affordable housing homeownership units; providing lien
9 status prioritization for certain purposes; amending
10 s. 420.9075, F.S.; excluding land designated as an
11 area of critical state concern within a specified
12 timeframe from award requirements made to specified
13 sponsors or persons for the purpose of providing
14 eligible housing as a part of a local housing
15 assistance plan; providing for expiration and
16 retroactive applicability; authorizing counties that
17 have been designated as areas of critical state
18 concern to use specified tourist development tax and
19 tourist impact tax revenue for affordable housing for
20 certain employees; requiring that housing financed
21 with such funds maintain its affordable housing status
22 for a specified timeframe; providing for distribution
23 of the transferred surplus; providing an effective
24 date.

25
26 Be It Enacted by the Legislature of the State of Florida:

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28 Section 1. Paragraph (a) of subsection (9) of section
29 380.0552, Florida Statutes, is amended to read:

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30 380.0552 Florida Keys Area; protection and designation as
31 area of critical state concern.—

32 (9) MODIFICATION TO PLANS AND REGULATIONS.—

33 (a) Any land development regulation or element of a local
34 comprehensive plan in the Florida Keys Area may be enacted,
35 amended, or rescinded by a local government, but the enactment,
36 amendment, or rescission becomes effective only upon approval by
37 the state land planning agency. The state land planning agency
38 shall review the proposed change to determine if it is in
39 compliance with the principles for guiding development specified
40 in chapter 27F-8, Florida Administrative Code, as amended
41 effective August 23, 1984, and must approve or reject the
42 requested changes within 60 days after receipt. Amendments to
43 local comprehensive plans in the Florida Keys Area must also be
44 reviewed for compliance with the following:

45 1. Construction schedules and detailed capital financing
46 plans for wastewater management improvements in the annually
47 adopted capital improvements element, and standards for the
48 construction of wastewater treatment and disposal facilities or
49 collection systems that meet or exceed the criteria in s.
50 403.086(11) for wastewater treatment and disposal facilities or
51 s. 381.0065(4)(1) for onsite sewage treatment and disposal
52 systems.

53 2. Goals, objectives, and policies to protect public safety
54 and welfare in the event of a natural disaster by maintaining a
55 hurricane evacuation clearance time for permanent residents of
56 no more than 24 hours. The hurricane evacuation clearance time
57 shall be determined by a hurricane evacuation study conducted in
58 accordance with a professionally accepted methodology and

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59 approved by the state land planning agency. For purposes of
60 hurricane evacuation clearance time modeling:

61 a. Mobile home residents are not considered permanent
62 residents.

63 b. The Key West Area pursuant to chapter 28-36, Florida
64 Administrative Code, as amended, effective August 23, 1984,
65 shall be included in the hurricane evacuation study.

66 Section 2. Subsection (14) is added to section 380.0666,
67 Florida Statutes, to read:

68 380.0666 Powers of land authority.—The land authority shall
69 have all the powers necessary or convenient to carry out and
70 effectuate the purposes and provisions of this act, including
71 the following powers, which are in addition to all other powers
72 granted by other provisions of this act:

73 (14) For affordable housing homeownership units, to require
74 compliance with the income requirements under paragraph (3) (a)
75 at the time of conveyance each time a unit is conveyed. The
76 original land authority funding or contribution shall be
77 memorialized in a recordable perpetual deed restriction. If the
78 purchase receives state or federal funding and that state or
79 federal funding program requires a priority lien position over
80 the land authority deed restriction, the land authority funding
81 or contribution may be subordinate to a first purchase money
82 mortgage and the state or federal funding lien.

83 Section 3. Paragraph (g) of subsection (5) of section
84 420.9075, Florida Statutes, is amended to read:

85 420.9075 Local housing assistance plans; partnerships.—

86 (5) The following criteria apply to awards made to eligible
87 sponsors or eligible persons for the purpose of providing

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88 eligible housing:

89 (g)1. All units constructed, rehabilitated, or otherwise
90 assisted with the funds provided from the local housing
91 assistance trust fund must be occupied by very-low-income
92 persons, low-income persons, and moderate-income persons except
93 as otherwise provided in this section.

94 2.a. At least 30 percent of the funds deposited into the
95 local housing assistance trust fund must be reserved for awards
96 to very-low-income persons or eligible sponsors who will serve
97 very-low-income persons, and at least an additional 30 percent
98 of the funds deposited into the local housing assistance trust
99 fund must be reserved for awards to low-income persons or
100 eligible sponsors who will serve low-income persons.

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

107 Section 4. A county that has been designated as an area of
108 critical state concern by law or by action of the Administration
109 Commission pursuant to s. 380.05, Florida Statutes, and that
110 levies a tourist development tax pursuant to s. 125.0104,
111 Florida Statutes, and a tourist impact tax pursuant to s.
112 125.0108, Florida Statutes, may transfer its cumulative surplus
113 from such taxes incurred through September 30, 2024, for the
114 purpose of providing affordable housing as defined in s.
115 420.0004, Florida Statutes, for employees whose housing
116 opportunities are impacted by the operation of tourist-related

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117 businesses in the county. Any housing financed with funds from
118 this surplus shall maintain its affordable housing status for a
119 period of no less than 99 years. The transferred surplus shall
120 be distributed pursuant to s. 125.0108(3), Florida Statutes.

121 Section 5. This act shall take effect July 1, 2024.