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1
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; requiring that the
23 expenditure of certain funds be subject to approval by
24 a majority vote of the board of county commissioners
25 of an eligible county; defining the term "accumulated
26 surplus"; providing an effective date.

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28 Be It Enacted by the Legislature of the State of Florida:
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30 Section 1. Paragraph (a) of subsection (9) of section
31 380.0552, Florida Statutes, is amended to read:

32 380.0552 Florida Keys Area; protection and designation as
33 area of critical state concern.—

34 (9) MODIFICATION TO PLANS AND REGULATIONS.—

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37 amended, or rescinded by a local government, but the enactment,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

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

55 2. Goals, objectives, and policies to protect public safety and
56 welfare in the event of a natural disaster by maintaining a
57 hurricane evacuation clearance time for permanent residents of
58 no more than 24 hours. The hurricane evacuation clearance time

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59 shall be determined by a hurricane evacuation study conducted in
60 accordance with a professionally accepted methodology and
61 approved by the state land planning agency. For purposes of
62 hurricane evacuation clearance time:

63 a. Mobile home residents are not considered permanent
64 residents.

65 b. The City of Key West Area of Critical State Concern
66 established by chapter 28-36, Florida Administrative Code, shall
67 be included in the hurricane evacuation study and is subject to
68 the evacuation requirements of this subsection.

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

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

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

86 Section 3. Paragraph (g) of subsection (5) of section
87 420.9075, Florida Statutes, is amended to read:

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88 420.9075 Local housing assistance plans; partnerships.—

89 (5) The following criteria apply to awards made to eligible
90 sponsors or eligible persons for the purpose of providing
91 eligible housing:

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

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

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

110 Section 4. (1) A county that has been designated as an area
111 of critical state concern by law or by action of the
112 Administration Commission pursuant to s. 380.05, Florida
113 Statutes, and that levies a tourist development tax pursuant to
114 s. 125.0104, Florida Statutes, and a tourist impact tax pursuant
115 to s. 125.0108, Florida Statutes, may use any accumulated
116 surplus from such taxes collected through September 30, 2024,

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117 not to exceed \$35 million, whether held by the county directly
118 or by a land authority in the county created pursuant to s.
119 380.0663, Florida Statutes, for the purpose of providing housing
120 that is:

121 (a) Affordable, as defined in s. 420.0004, Florida
122 Statutes; and

123 (b) Available to employees of private sector tourism-
124 related businesses in the county.

125 (2) Any housing financed with funds from the surplus
126 described in subsection (1) may be used only to provide housing
127 that is affordable, as defined in s. 420.0004, Florida Statutes,
128 for a period of no less than 99 years.

129 (3) Expenditure of such funds is subject to approval by a
130 majority vote of the board of county commissioners for any such
131 county designated as an area of critical state concern.

132 (4) For purposes of this section, the term "accumulated
133 surplus" means the accumulated excess of revenue over
134 expenditure from prior years which has not been set aside for a
135 specific purpose.

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