

By Senator Gruters

22-01453A-24

20241552\_\_

1                   A bill to be entitled  
2       An act relating to housing developments; amending s.  
3       163.3164, F.S.; revising the definition of the term  
4       "urban infill"; amending s. 196.1978, F.S.; conforming  
5       provisions to changes made by the act; amending s.  
6       380.093, F.S.; authorizing the Department of  
7       Environmental Protection to provide certain grants to  
8       community development districts for specified  
9       purposes; authorizing community development districts  
10      to submit a list of certain proposed projects to the  
11      department; amending s. 420.0004, F.S.; revising the  
12      definition of the term "moderate-income persons";  
13      amending s. 420.50871, F.S.; requiring the total  
14      number of units for certain new developments or  
15      redevelopments to be based on plans that include  
16      certain factors; prohibiting certain projects from  
17      requiring certain tax credits or bond financing;  
18      amending s. 420.50872, F.S.; authorizing the  
19      corporation to use certain contributions for certain  
20      new construction projects to replace obsolete homes in  
21      mobile home parks and manufactured home communities;  
22      prohibiting such projects from requiring certain tax  
23      credits or bond financing; providing an effective  
24      date.

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

27  
28       Section 1. Subsection (49) of section 163.3164, Florida  
29       Statutes, is amended to read:

22-01453A-24

20241552\_\_

30 163.3164 Community Planning Act; definitions.—As used in  
31 this act:

32 (49) "Urban infill" means the development of vacant parcels  
33 in otherwise built-up areas where public facilities such as  
34 sewer systems, roads, schools, and recreation areas are already  
35 in place and the average residential density is at least five  
36 dwelling units per acre, the average nonresidential intensity is  
37 at least a floor area ratio of 1.0, and vacant, developable land  
38 does not constitute more than 10 percent of the area. The term  
39 also includes the development or redevelopment of mobile home  
40 parks and manufactured home communities that meet the urban  
41 infill criteria.

42 Section 2. Paragraph (a) of subsection (2) of section  
43 196.1978, Florida Statutes, is amended to read:

44 196.1978 Affordable housing property exemption.—

45 (2) (a) Notwithstanding ss. 196.195 and 196.196, property in  
46 a multifamily project that meets the requirements of this  
47 subsection is considered property used for a charitable purpose  
48 and is exempt from ad valorem tax beginning with the January 1  
49 assessment after the 15th completed year from the earliest of:

50 1. The effective date of the recorded agreement on those  
51 portions of the affordable housing property that provide housing  
52 to natural persons or families meeting the extremely-low-income,  
53 very-low-income, ~~or~~ low-income, or moderate-income limits  
54 specified in s. 420.0004;

55 2. The first day of the first taxable year in which the  
56 property was placed in service as an affordable housing property  
57 that provides housing to natural persons or families meeting the  
58 extremely-low-income, very-low-income, ~~or~~ low-income, or

22-01453A-24

20241552\_\_

59 moderate-income limits specified in s. 420.0004; or

60 3. The date the property received a certificate of  
61 occupancy or a certificate of substantial completion, as  
62 applicable, allowing the property to be used as an affordable  
63 housing property that provides housing to natural persons or  
64 families meeting the extremely-low-income, very-low-income, ~~or~~  
65 low-income, or moderate-income limits specified in s. 420.0004.

66 Section 3. Paragraph (b) of subsection (3) and paragraph  
67 (d) of subsection (5) of section 380.093, Florida Statutes, are  
68 amended to read:

69 380.093 Resilient Florida Grant Program; comprehensive  
70 statewide flood vulnerability and sea level rise data set and  
71 assessment; Statewide Flooding and Sea Level Rise Resilience  
72 Plan; regional resilience entities.—

73 (3) RESILIENT FLORIDA GRANT PROGRAM.—

74 (b) Subject to appropriation, the department may provide  
75 grants to each of the following entities:

76 1. A county or municipality to fund:

77 a. The costs of community resilience planning and necessary  
78 data collection for such planning, including comprehensive plan  
79 amendments and necessary corresponding analyses that address the  
80 requirements of s. 163.3178(2)(f).

81 b. Vulnerability assessments that identify or address risks  
82 of inland or coastal flooding and sea level rise.

83 c. The development of projects, plans, and policies that  
84 allow communities to prepare for threats from flooding and sea  
85 level rise.

86 d. Preconstruction activities for projects to be submitted  
87 for inclusion in the Statewide Flooding and Sea Level Rise

22-01453A-24

20241552\_\_

88 Resilience Plan that are located in a municipality that has a  
89 population of 10,000 or fewer or a county that has a population  
90 of 50,000 or fewer, according to the most recent April 1  
91 population estimates posted on the Office of Economic and  
92 Demographic Research's website.

93 e. Feasibility studies and the cost of permitting for  
94 nature-based solutions that reduce the impact of flooding and  
95 sea level rise.

96 2. A water management district identified in s. 373.069 to  
97 support local government adaptation planning, which may be  
98 conducted by the water management district or by a third party  
99 on behalf of the water management district. Such grants must be  
100 used for the express purpose of supporting the Florida Flood Hub  
101 for Applied Research and Innovation and the department in  
102 implementing this section through data creation and collection,  
103 modeling, and the implementation of statewide standards.  
104 Priority must be given to filling critical data gaps identified  
105 by the Florida Flood Hub for Applied Research and Innovation  
106 under s. 380.0933(2) (a).

107 3. A community development district, as defined in s.  
108 190.003, which is authorized under chapter 190 to fund the  
109 construction or reconstruction of critical assets as authorized  
110 by the enabling ordinance that created the community development  
111 district or as required by a county or municipal development  
112 order.

113 (5) STATEWIDE FLOODING AND SEA LEVEL RISE RESILIENCE PLAN.—

114 (d)1. By September 1, 2021, and each September 1  
115 thereafter, the following entities may submit to the department  
116 a list of proposed projects that address risks of flooding or

22-01453A-24

20241552\_\_

117 sea level rise identified in vulnerability assessments that meet  
118 the requirements of subsection (3):

119 a. Counties.

120 b. Municipalities.

121 c. Special districts as defined in s. 189.012 that are  
122 responsible for the management and maintenance of inlets and  
123 intracoastal waterways or for the operation and maintenance of a  
124 potable water facility, a wastewater facility, an airport, or a  
125 seaport facility.

126 d. A community development district, as defined in s.  
127 190.003, which is authorized under chapter 190 to fund the  
128 construction or reconstruction of critical assets as authorized  
129 by the enabling ordinance that created the community development  
130 district or as required by a county or municipal development  
131 order.

132  
133 For the plans submitted by December 1, 2021; December 1, 2022;  
134 and December 1, 2023, such entities may submit projects  
135 identified in existing vulnerability assessments that do not  
136 comply with subsection (3). A regional resilience entity may  
137 also submit proposed projects to the department pursuant to this  
138 subparagraph on behalf of one or more member counties or  
139 municipalities.

140 2. By September 1, 2021, and each September 1 thereafter,  
141 the following entities may submit to the department a list of  
142 any proposed projects that mitigate the risks of flooding or sea  
143 level rise on water supplies or water resources of the state and  
144 a corresponding evaluation of each project:

145 a. Water management districts.

22-01453A-24

20241552\_\_

146           b. Drainage districts.  
147           c. Erosion control districts.  
148           d. Flood control districts.  
149           e. Regional water supply authorities.  
150           f. A community development district, as defined in s.  
151 190.003, which is authorized under chapter 190 to fund the  
152 construction or reconstruction of critical assets as authorized  
153 by the enabling ordinance that created the community development  
154 district or as required by a county or municipal development  
155 order.

156           3. Each project submitted to the department pursuant to  
157 this paragraph for consideration by the department for inclusion  
158 in the plan must include:

159           a. A description of the project.  
160           b. The location of the project.  
161           c. An estimate of how long the project will take to  
162 complete.  
163           d. An estimate of the cost of the project.  
164           e. The cost-share percentage available for the project.  
165           f. The project sponsor.

166           Section 4. Subsection (12) of section 420.0004, Florida  
167 Statutes, is amended to read:

168           420.0004 Definitions.—As used in this part, unless the  
169 context otherwise indicates:

170           (12) "Moderate-income persons" means one or more natural  
171 persons or a family, the total annual adjusted gross household  
172 income of which is less than 120 percent of the median annual  
173 adjusted gross income for households within the state, ~~7~~ or 120  
174 percent of the median annual adjusted gross income for

22-01453A-24

20241552\_\_

175 households within the metropolitan statistical area (MSA) or, if  
176 not within an MSA, within the county in which the person or  
177 family resides, whichever is greater. In counties with a  
178 population of 1 million or more, the term means one or more  
179 natural persons or a family, the total annual adjusted gross  
180 household income of which is less than 140 percent of the median  
181 annual adjusted gross income for households within the state or  
182 140 percent of the median annual adjusted gross income for  
183 households within the MSA, whichever is greater.

184 Section 5. Subsection (5) of section 420.50871, Florida  
185 Statutes, is renumbered as subsection (6), paragraphs (a) and  
186 (b) of subsection (1) are amended, and a new subsection (5) is  
187 added to that section, to read:

188 420.50871 Allocation of increased revenues derived from  
189 amendments to s. 201.15 made by ch. 2023-17.—Funds that result  
190 from increased revenues to the State Housing Trust Fund derived  
191 from amendments made to s. 201.15 made by chapter 2023-17, Laws  
192 of Florida, must be used annually for projects under the State  
193 Apartment Incentive Loan Program under s. 420.5087 as set forth  
194 in this section, notwithstanding ss. 420.507(48) and (50) and  
195 420.5087(1) and (3). The Legislature intends for these funds to  
196 provide for innovative projects that provide affordable and  
197 attainable housing for persons and families working, going to  
198 school, or living in this state. Projects approved under this  
199 section are intended to provide housing that is affordable as  
200 defined in s. 420.0004, notwithstanding the income limitations  
201 in s. 420.5087(2). Beginning in the 2023-2024 fiscal year and  
202 annually for 10 years thereafter:

203 (1) The corporation shall allocate 70 percent of the funds

22-01453A-24

20241552\_\_

204 provided by this section to issue competitive requests for  
205 application for the affordable housing project purposes  
206 specified in this subsection. The corporation shall finance  
207 projects that:

208 (a) Both redevelop an existing affordable housing  
209 development and provide for the construction of a new  
210 development within close proximity to the existing development  
211 to be rehabilitated. Each project must provide for building the  
212 new affordable housing development first, relocating the tenants  
213 of the existing development to the new development, and then  
214 demolishing the existing development for reconstruction of an  
215 affordable housing development with more overall and affordable  
216 units. The total number of units for a new development or the  
217 redevelopment of an existing affordable housing development  
218 which includes more overall and affordable units must be based  
219 on plans presented by the developer which include factors  
220 related to existing or proposed zoning, financing, and housing  
221 supply needs of the county in which the project is located.

222 (b) Address urban infill, as defined in s. 163.3164,  
223 including conversions of vacant, dilapidated, or functionally  
224 obsolete buildings or the use of underused commercial property.

225 (5) A project financed under this section may not require  
226 that low-income housing tax credits under s. 42 of the Internal  
227 Revenue Code or tax-exempt bond financing be a part of the  
228 financing structure for the project.

229 Section 6. Subsection (2) of section 420.50872, Florida  
230 Statutes, is amended to read:

231 420.50872 Live Local Program.—

232 (2) RESPONSIBILITIES OF THE CORPORATION; PROHIBITIONS.—



22-01453A-24

20241552\_\_

233       (a) The corporation shall:

234       1.~~(a)~~ Expend 100 percent of eligible contributions received

235 under this section for the State Apartment Incentive Loan

236 Program under s. 420.5087. However, the corporation may use up

237 to \$25 million of eligible contributions to provide loans for

238 the construction of large-scale projects of significant regional

239 impact, including new construction projects that have received

240 development assistance from the federal government to replace

241 obsolete homes in mobile home parks and manufactured home

242 communities based on a comprehensive redevelopment plan. Such

243 projects must include a substantial civic, educational, or

244 health care use and may include a commercial use, any of which

245 must be incorporated within or contiguous to the project

246 property. Such a loan must be made, except as otherwise provided

247 in this subsection, in accordance with the practices and

248 policies of the State Apartment Incentive Loan Program. Such a

249 loan is subject to the competitive application process and may

250 not exceed 25 percent of the total project cost. The corporation

251 must find that the loan provides a unique opportunity for

252 investment alongside local government participation that would

253 enable creation of a significant amount of affordable housing.

254 Projects approved under this section are intended to provide

255 housing that is affordable as defined in s. 420.0004,

256 notwithstanding the income limitations in s. 420.5087(2).

257       2.~~(b)~~ Upon receipt of an eligible contribution, provide the

258 taxpayer that made the contribution with a certificate of

259 contribution. A certificate of contribution must include the

260 taxpayer's name; its federal employer identification number, if

261 available; the amount contributed; and the date of contribution.

22-01453A-24

20241552\_\_

262        3.~~(e)~~ Within 10 days after issuing a certificate of  
263 contribution, provide a copy to the Department of Revenue.

264        (b) A project financed under this section may not require  
265 that low-income housing tax credits under s. 42 of the Internal  
266 Revenue Code or tax-exempt bond financing be a part of the  
267 financing structure for the project.

268        Section 7. This act shall take effect July 1, 2024.