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LEGISLATIVE ACTION

Senate

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House

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Floor: 1/AD/2R

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02/07/2024 10:35 AM

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Senator Calatayud moved the following:

Senate Amendment (with title amendment)

Delete lines 113 - 384

and insert:

include the density of any building that met the requirements of this subsection or the density of any building that has received any bonus, variance, or other special exception for density provided in the county's land development regulations as an incentive for development.

(c) A county may not restrict the floor area ratio of a



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11 proposed development authorized under this subsection below 150
12 percent of the highest currently allowed floor area ratio on any
13 unincorporated land in the county where development is allowed
14 under the county's land development regulations. For purposes of
15 this paragraph, the term "highest currently allowed floor area
16 ratio" does not include the floor area ratio of any building
17 that met the requirements of this subsection or the floor area
18 ratio of any building that has received any bonus, variance, or
19 other special exception for floor area ratio provided in the
20 county's land development regulations as an incentive for
21 development. For purposes of this subsection, the term floor
22 area ratio includes floor lot ratio.

23 (d)1.~~(e)~~ A county may not restrict the height of a proposed
24 development authorized under this subsection below the highest
25 currently allowed height for a commercial or residential
26 building development located in its jurisdiction within 1 mile
27 of the proposed development or 3 stories, whichever is higher.
28 For purposes of this paragraph, the term "highest currently
29 allowed height" does not include the height of any building that
30 met the requirements of this subsection or the height of any
31 building that has received any bonus, variance, or other special
32 exception for height provided in the county's land development
33 regulations as an incentive for development.

34 2. If the proposed development is adjacent to, on two or
35 more sides, a parcel zoned for single-family residential use
36 which is within a single-family residential development with at
37 least 25 contiguous single-family homes, the county may restrict
38 the height of the proposed development to 150 percent of the
39 tallest building on any property adjacent to the proposed



40 development, the highest currently allowed height for the
41 property provided in the county's land development regulations,
42 or 3 stories, whichever is higher. For the purposes of this
43 paragraph, the term "adjacent to" means those properties sharing
44 more than one point of a property line, but does not include
45 properties separated by a public road.

46 (e) ~~(d)~~ A proposed development authorized under this
47 subsection must be administratively approved and no further
48 action by the board of county commissioners is required if the
49 development satisfies the county's land development regulations
50 for multifamily developments in areas zoned for such use and is
51 otherwise consistent with the comprehensive plan, with the
52 exception of provisions establishing allowable densities, floor
53 area ratios, height, and land use. Such land development
54 regulations include, but are not limited to, regulations
55 relating to setbacks and parking requirements. A proposed
56 development located within one-quarter mile of a military
57 installation identified in s. 163.3175(2) may not be
58 administratively approved. Each county shall maintain on its
59 website a policy containing procedures and expectations for
60 administrative approval pursuant to this subsection.

61 (f) 1. ~~(e)~~ A county must consider reducing parking
62 requirements for a proposed development authorized under this
63 subsection if the development is located within one-quarter ~~one-~~
64 ~~half~~ mile of a ~~major~~ transit stop, as defined in the county's
65 land development code, and the ~~major~~ transit stop is accessible
66 from the development.

67 2. A county must reduce parking requirements by at least 20
68 percent for a proposed development authorized under this



69 subsection if the development:

70 a. Is located within one-half mile of a major
71 transportation hub that is accessible from the proposed
72 development by safe, pedestrian-friendly means, such as
73 sidewalks, crosswalks, elevated pedestrian or bike paths, or
74 other multimodal design features; and

75 b. Has available parking within 600 feet of the proposed
76 development which may consist of options such as on-street
77 parking, parking lots, or parking garages available for use by
78 residents of the proposed development. However, a county may not
79 require that the available parking compensate for the reduction
80 in parking requirements.

81 3. A county must eliminate parking requirements for a
82 proposed mixed-use residential development authorized under this
83 subsection within an area recognized by the county as a transit-
84 oriented development or area, as provided in paragraph (h).

85 4. For purposes of this paragraph, the term "major
86 transportation hub" means any transit station, whether bus,
87 train, or light rail, which is served by public transit with a
88 mix of other transportation options.

89 (g) ~~(f)~~ For proposed multifamily developments in an
90 unincorporated area zoned for commercial or industrial use which
91 is within the boundaries of a multicounty independent special
92 district that was created to provide municipal services and is
93 not authorized to levy ad valorem taxes, and less than 20
94 percent of the land area within such district is designated for
95 commercial or industrial use, a county must authorize, as
96 provided in this subsection, such development only if the
97 development is mixed-use residential.



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98 (h) A proposed development authorized under this subsection
99 which is located within a transit-oriented development or area,
100 as recognized by the county, must be mixed-use residential and
101 otherwise comply with requirements of the county's regulations
102 applicable to the transit-oriented development or area except
103 for use, height, density, floor area ratio, and parking as
104 provided in this subsection or as otherwise agreed to by the
105 county and the applicant for the development.

106 (i) ~~(g)~~ Except as otherwise provided in this subsection, a
107 development authorized under this subsection must comply with
108 all applicable state and local laws and regulations.

109 (j)1. Nothing in this subsection precludes a county from
110 granting a bonus, variance, conditional use, or other special
111 exception for height, density, or floor area ratio in addition
112 to the height, density, and floor area ratio requirements in
113 this subsection.

114 2. Nothing in this subsection precludes a proposed
115 development authorized under this subsection from receiving a
116 bonus for density, height, or floor area ratio pursuant to an
117 ordinance or regulation of the jurisdiction where the proposed
118 development is located if the proposed development satisfies the
119 conditions to receive the bonus except for any condition which
120 conflicts with this subsection. If a proposed development
121 qualifies for such bonus, the bonus must be administratively
122 approved by the county and no further action by the board of
123 county commissioners is required.

124 (k) ~~(h)~~ This subsection does not apply to:

125 1. Airport-impacted areas as provided in s. 333.03.

126 2. Property defined as recreational and commercial working



127 waterfront in s. 342.201(2)(b) in any area zoned as industrial.

128 (1) ~~(i)~~ This subsection expires October 1, 2033.

129 (8) Any development authorized under paragraph (7)(a) must
130 be treated as a conforming use even after the expiration of
131 subsection (7) and the development's affordability period as
132 provided in paragraph (7)(a), notwithstanding the county's
133 comprehensive plan, future land use designation, or zoning. If
134 at any point during the development's affordability period the
135 development violates the affordability period requirement
136 provided in paragraph (7)(a), the development must be allowed a
137 reasonable time to cure such violation. If the violation is not
138 cured within a reasonable time, the development must be treated
139 as a nonconforming use.

140 Section 2. Subsection (7) of section 166.04151, Florida
141 Statutes, is amended, and subsection (8) is added to that
142 section, to read:

143 166.04151 Affordable housing.—

144 (7)(a) A municipality must authorize multifamily and mixed-
145 use residential as allowable uses in any area zoned for
146 commercial, industrial, or mixed use if at least 40 percent of
147 the residential units in a proposed multifamily ~~rental~~
148 development are rental units that, for a period of at least 30
149 years, are affordable as defined in s. 420.0004. Notwithstanding
150 any other law, local ordinance, or regulation to the contrary, a
151 municipality may not require a proposed multifamily development
152 to obtain a zoning or land use change, special exception,
153 conditional use approval, variance, or comprehensive plan
154 amendment for the building height, zoning, and densities
155 authorized under this subsection. For mixed-use residential



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156 projects, at least 65 percent of the total square footage must
157 be used for residential purposes.

158 (b) A municipality may not restrict the density of a
159 proposed development authorized under this subsection below the
160 highest currently allowed density on any land in the
161 municipality where residential development is allowed under the
162 municipality's land development regulations. For purposes of
163 this paragraph, the term "highest currently allowed density"
164 does not include the density of any building that met the
165 requirements of this subsection or the density of any building
166 that has received any bonus, variance, or other special
167 exception for density provided in the municipality's land
168 development regulations as an incentive for development.

169 (c) A municipality may not restrict the floor area ratio of
170 a proposed development authorized under this subsection below
171 150 percent of the highest currently allowed floor area ratio on
172 any land in the municipality where development is allowed under
173 the municipality's land development regulations. For purposes of
174 this paragraph, the term "highest currently allowed floor area
175 ratio" does not include the floor area ratio of any building
176 that met the requirements of this subsection or the floor area
177 ratio of any building that has received any bonus, variance, or
178 other special exception for floor area ratio provided in the
179 municipality's land development regulations as an incentive for
180 development. For purposes of this subsection, the term "floor
181 area ratio" includes floor lot ratio.

182 (d)1.~~(e)~~ A municipality may not restrict the height of a
183 proposed development authorized under this subsection below the
184 highest currently allowed height for a commercial or residential



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185 building development located in its jurisdiction within 1 mile
186 of the proposed development or 3 stories, whichever is higher.
187 For purposes of this paragraph, the term "highest currently
188 allowed height" does not include the height of any building that
189 met the requirements of this subsection or the height of any
190 building that has received any bonus, variance, or other special
191 exception for height provided in the municipality's land
192 development regulations as an incentive for development.

193 2. If the proposed development is adjacent to, on two or
194 more sides, a parcel zoned for single-family residential use
195 that is within a single-family residential development with at
196 least 25 contiguous single-family homes, the municipality may
197 restrict the height of the proposed development to 150 percent
198 of the tallest building on any property adjacent to the proposed
199 development, the highest currently allowed height for the
200 property provided in the municipality's land development
201 regulations, or 3 stories, whichever is higher. For the purposes
202 of this paragraph, the term "adjacent to" means those properties
203 sharing more than one point of a property line, but does not
204 include properties separated by a public road.

205 (e) ~~(d)~~ A proposed development authorized under this
206 subsection must be administratively approved and no further
207 action by the governing body of the municipality is required if
208 the development satisfies the municipality's land development
209 regulations for multifamily developments in areas zoned for such
210 use and is otherwise consistent with the comprehensive plan,
211 with the exception of provisions establishing allowable
212 densities, floor area ratios, height, and land use. Such land
213 development regulations include, but are not limited to,



214 regulations relating to setbacks and parking requirements. A
215 proposed development located within one-quarter mile of a
216 military installation identified in s. 163.3175(2) may not be
217 administratively approved. Each municipality shall maintain on
218 its website a policy containing procedures and expectations for
219 administrative approval pursuant to this subsection.

220 (f) 1. ~~(e)~~ A municipality must consider reducing parking
221 requirements for a proposed development authorized under this
222 subsection if the development is located within one-quarter ~~one-~~
223 ~~half~~ mile of a ~~major~~ transit stop, as defined in the
224 municipality's land development code, and the ~~major~~ transit stop
225 is accessible from the development.

226 2. A municipality must reduce parking requirements by at
227 least 20 percent for a proposed development authorized under
228 this subsection if the development:

229 a. Is located within one-half mile of a major
230 transportation hub that is accessible from the proposed
231 development by safe, pedestrian-friendly means, such as
232 sidewalks, crosswalks, elevated pedestrian or bike paths, or
233 other multimodal design features.

234 b. Has available parking within 600 feet of the proposed
235 development which may consist of options such as on-street
236 parking, parking lots, or parking garages available for use by
237 residents of the proposed development. However, a municipality
238 may not require that the available parking compensate for the
239 reduction in parking requirements.

240 3. A municipality must eliminate parking requirements for a
241 proposed mixed-use residential development authorized under this
242 subsection within an area recognized by the municipality as a



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243 transit-oriented development or area, as provided in paragraph
244 (h).

245 4. For purposes of this paragraph, the term "major
246 transportation hub" means any transit station, whether bus,
247 train, or light rail, which is served by public transit with a
248 mix of other transportation options.

249 (g) ~~(f)~~ A municipality that designates less than 20 percent
250 of the land area within its jurisdiction for commercial or
251 industrial use must authorize a proposed multifamily development
252 as provided in this subsection in areas zoned for commercial or
253 industrial use only if the proposed multifamily development is
254 mixed-use residential.

255 (h) A proposed development authorized under this subsection
256 which is located within a transit-oriented development or area,
257 as recognized by the municipality, must be mixed-use residential
258 and otherwise comply with requirements of the municipality's
259 regulations applicable to the transit-oriented development or
260 area except for use, height, density, floor area ratio, and
261 parking as provided in this subsection or as otherwise agreed to
262 by the municipality and the applicant for the development.

263 (i) ~~(g)~~ Except as otherwise provided in this subsection, a
264 development authorized under this subsection must comply with
265 all applicable state and local laws and regulations.

266 (j)1. Nothing in this subsection precludes a municipality
267 from granting a bonus, variance, conditional use, or other
268 special exception to height, density, or floor area ratio in
269 addition to the height, density, and floor area ratio
270 requirements in this subsection.

271 2. Nothing in this subsection precludes a proposed



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272 development authorized under this subsection from receiving a
273 bonus for density, height, or floor area ratio pursuant to an
274 ordinance or regulation of the jurisdiction where the proposed
275 development is located if the proposed development satisfies the
276 conditions to receive the bonus except for any condition which
277 conflicts with this subsection. If a proposed development
278 qualifies for such bonus, the bonus must be administratively
279 approved by the municipality and no further action by the
280 governing body of the municipality is required.

281 (k) ~~(h)~~ This subsection does not apply to:

282 1. Airport-impacted areas as provided in s. 333.03.

283 2. Property defined as recreational and commercial working
284 waterfront in s. 342.201(2) (b) in any area zoned as industrial.

285 (l) ~~(i)~~ This subsection expires October 1, 2033.

286 (8) Any development authorized under paragraph (7) (a) must
287 be treated as a conforming use even after the expiration of
288 subsection (7) and the development's affordability period as
289 provided in paragraph (7) (a), notwithstanding the municipality's
290 comprehensive plan, future land use designation, or zoning. If
291 at any point during the development's affordability period the
292 development violates the affordability period requirement
293 provided in paragraph (7) (a), the development must be allowed a
294 reasonable time to cure such violation. If the violation is not
295 cured within a reasonable time, the development must be treated
296 as a nonconforming use.

297 Section 3. An applicant for a proposed development
298 authorized under s. 125.01055(7) or s. 166.04151(7), Florida
299 Statutes, who submitted an application, written request, or
300 notice of intent to utilize such provisions to the county or



301 municipality and which has been received by the county or
302 municipality, as applicable, before the effective date of this
303 act may notify the county or municipality by July 1, 2024, of
304 its intent to proceed under the provisions of ss. 125.01055(7)
305 or 166.04151(7), Florida Statutes, as they existed at the time
306 of submittal. A county or municipality shall allow an applicant
307 who submitted such application, written request, or notice of
308 intent before the effective date of this act the opportunity to
309 submit a revised application, written request, or notice of
310 intent to account for the changes made by this act.

311
312 ===== T I T L E A M E N D M E N T =====

313 And the title is amended as follows:
314 Delete lines 36 - 41
315 and insert:
316 specified conditions are satisfied; requiring that
317 such bonuses be administratively approved by counties
318 and municipalities, respectively; revising
319 applicability; authorizing that specified developments
320 be treated as a conforming use under certain
321 circumstances; authorizing that specified developments
322 be treated as a nonconforming use under certain
323 circumstances; authorizing applicants for certain
324 proposed developments to notify a county or
325 municipality, as applicable, of their intent to
326 proceed under certain provisions; requiring counties
327 and municipalities to allow certain applicants to
328 submit a revised application, written request, or
329 notice of intent; amending s. 196.1978, F.S.; revising