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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/02/2025	.	
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The Committee on Community Affairs (Calatayud) recommended the following:

Senate Amendment (with title amendment)

Delete lines 62 - 425

and insert:

paragraph (p), a new paragraph (l) and paragraphs (m), (n), and (o) are added to that subsection, subsection (9) is added to that section, and paragraphs (a) through (f) and (k) of subsection (7) of that section are amended, to read:

125.01055 Affordable housing.—

(7) (a) A county must authorize multifamily and mixed-use



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11 residential as allowable uses in any area zoned for commercial,
12 industrial, or mixed use, and in portions of any flexibly zoned
13 area such as a planned unit development permitted for
14 commercial, industrial, or mixed use, if at least 40 percent of
15 the residential units in a proposed multifamily development are
16 rental units that, for a period of at least 30 years, are
17 affordable as defined in s. 420.0004. Notwithstanding any other
18 law, local ordinance, or regulation to the contrary, a county
19 may not require a proposed multifamily development to obtain a
20 zoning or land use change, special exception, conditional use
21 approval, variance, transfer of density or development units,
22 amendment to a development of regional impact, or comprehensive
23 plan amendment for the building height, zoning, and densities
24 authorized under this subsection. For mixed-use residential
25 projects, at least 65 percent of the total square footage must
26 be used for residential purposes. The county may not require
27 that more than 10 percent of the total square footage of such
28 mixed-use residential projects be used for nonresidential
29 purposes.

30 (b) A county may not restrict the density of a proposed
31 development authorized under this subsection below the highest
32 currently allowed, or allowed on July 1, 2023, density on any
33 unincorporated land in the county where residential development
34 is allowed under the county's land development regulations. For
35 purposes of this paragraph, the term "highest currently allowed
36 density" does not include the density of any building that met
37 the requirements of this subsection or the density of any
38 building that has received any bonus, variance, or other special
39 exception for density provided in the county's land development



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40 regulations as an incentive for development.

41 (c) A county may not restrict the floor area ratio of a
42 proposed development authorized under this subsection below 150
43 percent of the highest currently allowed, or allowed on July 1,
44 2023, floor area ratio on any unincorporated land in the county
45 where development is allowed under the county's land development
46 regulations. For purposes of this paragraph, the term "highest
47 currently allowed floor area ratio" does not include the floor
48 area ratio of any building that met the requirements of this
49 subsection or the floor area ratio of any building that has
50 received any bonus, variance, or other special exception for
51 floor area ratio provided in the county's land development
52 regulations as an incentive for development. For purposes of
53 this subsection, the term "floor area ratio" includes floor lot
54 ratio.

55 (d)1. A county may not restrict the height of a proposed
56 development authorized under this subsection below the highest
57 currently allowed, or allowed on July 1, 2023, height for a
58 commercial or residential building located in its jurisdiction
59 within 1 mile of the proposed development or 3 stories,
60 whichever is higher. For purposes of this paragraph, the term
61 "highest currently allowed height" does not include the height
62 of any building that met the requirements of this subsection or
63 the height of any building that has received any bonus,
64 variance, or other special exception for height provided in the
65 county's land development regulations as an incentive for
66 development.

67 2. If the proposed development is adjacent to, on two or
68 more sides, a parcel zoned for single-family residential use



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69 which is within a single-family residential development with at
70 least 25 contiguous single-family homes, the county may restrict
71 the height of the proposed development to 150 percent of the
72 tallest building on any property adjacent to the proposed
73 development, the highest currently allowed, or allowed on July
74 1, 2023, height for the property provided in the county's land
75 development regulations, or 3 stories, whichever is higher, but
76 not to exceed 10 stories. For the purposes of this paragraph,
77 the term "adjacent to" means those properties sharing more than
78 one point of a property line, but does not include properties
79 separated by a public road.

80 (e) A proposed development authorized under this subsection
81 must be administratively approved without ~~and no~~ further action
82 by the board of county commissioners or any quasi-judicial or
83 administrative board or reviewing body is required if the
84 development satisfies the county's land development regulations
85 for multifamily developments in areas zoned for such use and is
86 otherwise consistent with the comprehensive plan, with the
87 exception of provisions establishing allowable densities, floor
88 area ratios, height, and land use. Such land development
89 regulations include, but are not limited to, regulations
90 relating to setbacks and parking requirements. A proposed
91 development located within one-quarter mile of a military
92 installation identified in s. 163.3175(2) may not be
93 administratively approved. Each county shall maintain on its
94 website a policy containing procedures and expectations for
95 administrative approval pursuant to this subsection.

96 (f)1. A county must, upon request of an applicant, reduce
97 ~~consider reducing~~ parking requirements by 20 percent for a



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98 proposed development authorized under this subsection if the
99 development:

100 a. Is located within one-quarter mile of a transit stop, as
101 defined in the county's land development code, and the transit
102 stop is accessible from the development;

103 ~~2. A county must reduce parking requirements by at least 20~~
104 ~~percent for a proposed development authorized under this~~
105 ~~subsection if the development:~~

106 ~~b.a.~~ Is located within one-half mile of a major
107 transportation hub that is accessible from the proposed
108 development by safe, pedestrian-friendly means, such as
109 sidewalks, crosswalks, elevated pedestrian or bike paths, or
110 other multimodal design features; or and

111 ~~c.b.~~ Has available parking within 600 feet of the proposed
112 development which may consist of options such as on-street
113 parking, parking lots, or parking garages available for use by
114 residents of the proposed development. However, a county may not
115 require that the available parking compensate for the reduction
116 in parking requirements.

117 ~~2.3.~~ A county must eliminate parking requirements for a
118 proposed mixed-use residential development authorized under this
119 subsection within an area recognized by the county as a transit-
120 oriented development or area, as provided in paragraph (h).

121 3.4. For purposes of this paragraph, the term "major
122 transportation hub" means any transit station, whether bus,
123 train, or light rail, which is served by public transit with a
124 mix of other transportation options.

125 (k) Notwithstanding any other law or local ordinance or
126 regulation to the contrary, a county may allow an adjacent



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127 parcel of land to be included within a proposed multifamily
128 development authorized under this subsection.

129 (1) This subsection does not apply to:

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

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

133 3. The Wekiva Study Area, as described in s. 369.316.

134 4. The Everglades Protection Area, as defined in s.
135 373.4592(2).

136 (m) The court shall give any civil action filed against a
137 county for a violation of this subsection priority over other
138 pending cases and render a preliminary or final decision as
139 expeditiously as possible.

140 (n) If a civil action is filed against a county for a
141 violation of this subsection, the court must assess and award
142 reasonable attorney fees and costs to the prevailing party. An
143 award of reasonable attorney fees or costs pursuant to this
144 subsection may not exceed \$200,000. In addition, a prevailing
145 party may not recover any attorney fees or costs directly
146 incurred by or associated with litigation to determine an award
147 of reasonable attorney fees or costs.

148 (o) As used in this subsection, the term:

149 1. "Commercial use" means activities associated with the
150 sale, rental, or distribution of products or the performance of
151 services related thereto. The term includes, but is not limited
152 to, such uses or activities as retail sales; wholesale sales;
153 rentals of equipment, goods, or products; offices; restaurants;
154 food service vendors; sports arenas; theaters; tourist
155 attractions; and other for-profit business activities. A parcel



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156 zoned to permit such uses by right without the requirement to
157 obtain a variance or waiver is considered commercial use for the
158 purposes of this section, irrespective of the local land
159 development regulation's listed category or title. The term does
160 not include home-based businesses or cottage food operations
161 undertaken on residential property, uses that are accessory,
162 ancillary, incidental to the allowable uses, or allowed only on
163 a temporary basis. Recreational uses, such as golf courses,
164 tennis courts, swimming pools, and clubhouses, within an area
165 designated for residential use are not commercial use,
166 irrespective of the manner in which they are operated.

167 2. "Industrial use" means activities associated with the
168 manufacture, assembly, processing, or storage of products or the
169 performance of services related thereto. The term includes, but
170 is not limited to, such uses or activities as automobile
171 manufacturing or repair, boat manufacturing or repair, junk
172 yards, meat packing facilities, citrus processing and packing
173 facilities, produce processing and packing facilities,
174 electrical generating plants, water treatment plants, sewage
175 treatment plants, and solid waste disposal sites. A parcel zoned
176 to permit such uses by right without the requirement to obtain a
177 variance or waiver is considered industrial use for the purposes
178 of this section, irrespective of the local land development
179 regulation's listed category or title. The term does not include
180 uses that are accessory, ancillary, incidental to the allowable
181 uses, or allowed only on a temporary basis. Recreational uses,
182 such as golf courses, tennis courts, swimming pools, and
183 clubhouses, within an area designated for residential use are
184 not industrial use, irrespective of the manner in which they are



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185 operated.

186 3. "Mixed use" means any use that combines multiple types
187 of approved land uses from at least two of the residential use,
188 commercial use, and industrial use categories. The term does not
189 include uses that are accessory, ancillary, incidental to the
190 allowable uses, or allowed only on a temporary basis.

191 Recreational uses, such as golf courses, tennis courts, swimming
192 pools, and clubhouses, within an area designated for residential
193 use are not mixed use, irrespective of the manner in which they
194 are operated.

195 4. "Planned unit development" has the same meaning as
196 provided in s. 163.3202(5)(b).

197 (9)(a) A county may not impose a building moratorium that
198 has the effect of delaying the permitting or construction of a
199 multifamily residential or mixed-use residential development
200 authorized under subsection (7) except as provided in paragraph
201 (b).

202 (b) A county may, by ordinance, impose such a building
203 moratorium for no more than 90 days in any 3-year period. Before
204 adoption of such a building moratorium, the county shall prepare
205 or cause to be prepared an assessment of the county's need for
206 affordable housing at the extremely-low-income, very-low-income,
207 low-income, or moderate-income limits specified in s. 420.0004,
208 including projections of such need for the next 5 years. This
209 assessment must be posted on the county's website by the date
210 the notice of proposed enactment is published, and presented at
211 the same public meeting at which the proposed ordinance imposing
212 the building moratorium is adopted by the board of county
213 commissioners. This assessment must be included in the business



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214 impact estimate for the ordinance imposing such a moratorium
215 required by s. 125.66(3).

216 (c) If a civil action is filed against a county for a
217 violation of this subsection, the court must assess and award
218 reasonable attorney fees and costs to the prevailing party. An
219 award of reasonable attorney fees or costs pursuant to this
220 subsection may not exceed \$200,000. In addition, a prevailing
221 party may not recover any attorney fees or costs directly
222 incurred by or associated with litigation to determine an award
223 of reasonable attorney fees or costs.

224 (d) This subsection does not apply to moratoria imposed due
225 to unavailability of public facilities or services or imposed to
226 address stormwater or flood water management, if such moratoria
227 apply equally to all types of multifamily or mixed-use
228 residential development.

229 Section 2. Present paragraph (l) of subsection (7) of
230 section 166.04151, Florida Statutes, is redesignated as
231 paragraph (p), a new paragraph (l) and paragraphs (m), (n), and
232 (o) are added to that subsection, subsection (9) is added to
233 that section, and paragraphs (a) through (f) and (k) of
234 subsection (7) of that section are amended, to read:

235 166.04151 Affordable housing.—

236 (7) (a) A municipality must authorize multifamily and mixed-
237 use residential as allowable uses in any area zoned for
238 commercial, industrial, or mixed use, and in portions of any
239 flexibly zoned area such as a planned unit development permitted
240 for commercial, industrial, or mixed use, if at least 40 percent
241 of the residential units in a proposed multifamily development
242 are rental units that, for a period of at least 30 years, are



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243 affordable as defined in s. 420.0004. Notwithstanding any other
244 law, local ordinance, or regulation to the contrary, a
245 municipality may not require a proposed multifamily development
246 to obtain a zoning or land use change, special exception,
247 conditional use approval, variance, transfer of density or
248 development units, amendment to a development of regional
249 impact, or comprehensive plan amendment for the building height,
250 zoning, and densities authorized under this subsection. For
251 mixed-use residential projects, at least 65 percent of the total
252 square footage must be used for residential purposes. The
253 municipality may not require that more than 10 percent of the
254 total square footage of such mixed-use residential projects be
255 used for nonresidential purposes.

256 (b) A municipality may not restrict the density of a
257 proposed development authorized under this subsection below the
258 highest currently allowed, or allowed on July 1, 2023, density
259 on any land in the municipality where residential development is
260 allowed under the municipality's land development regulations.
261 For purposes of this paragraph, the term "highest currently
262 allowed density" does not include the density of any building
263 that met the requirements of this subsection or the density of
264 any building that has received any bonus, variance, or other
265 special exception for density provided in the municipality's
266 land development regulations as an incentive for development.

267 (c) A municipality may not restrict the floor area ratio of
268 a proposed development authorized under this subsection below
269 150 percent of the highest currently allowed, or allowed on July
270 1, 2023, floor area ratio on any land in the municipality where
271 development is allowed under the municipality's land development



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272 regulations. For purposes of this paragraph, the term "highest
273 currently allowed floor area ratio" does not include the floor
274 area ratio of any building that met the requirements of this
275 subsection or the floor area ratio of any building that has
276 received any bonus, variance, or other special exception for
277 floor area ratio provided in the municipality's land development
278 regulations as an incentive for development. For purposes of
279 this subsection, the term "floor area ratio" includes floor lot
280 ratio.

281 (d)1. A municipality may not restrict the height of a
282 proposed development authorized under this subsection below the
283 highest currently allowed, or allowed on July 1, 2023, height
284 for a commercial or residential building located in its
285 jurisdiction within 1 mile of the proposed development or 3
286 stories, whichever is higher. For purposes of this paragraph,
287 the term "highest currently allowed height" does not include the
288 height of any building that met the requirements of this
289 subsection or the height of any building that has received any
290 bonus, variance, or other special exception for height provided
291 in the municipality's land development regulations as an
292 incentive for development.

293 2. If the proposed development is adjacent to, on two or
294 more sides, a parcel zoned for single-family residential use
295 that is within a single-family residential development with at
296 least 25 contiguous single-family homes, the municipality may
297 restrict the height of the proposed development to 150 percent
298 of the tallest building on any property adjacent to the proposed
299 development, the highest currently allowed, or allowed on July
300 1, 2023, height for the property provided in the municipality's



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301 land development regulations, or 3 stories, whichever is higher,
302 not to exceed 10 stories. For the purposes of this paragraph,
303 the term "adjacent to" means those properties sharing more than
304 one point of a property line, but does not include properties
305 separated by a public road or body of water, including man-made
306 lakes or ponds.

307 (e) A proposed development authorized under this subsection
308 must be administratively approved without ~~and no~~ further action
309 by the governing body of the municipality or any quasi-judicial
310 or administrative board or reviewing body ~~is required~~ if the
311 development satisfies the municipality's land development
312 regulations for multifamily developments in areas zoned for such
313 use and is otherwise consistent with the comprehensive plan,
314 with the exception of provisions establishing allowable
315 densities, floor area ratios, height, and land use. Such land
316 development regulations include, but are not limited to,
317 regulations relating to setbacks and parking requirements. A
318 proposed development located within one-quarter mile of a
319 military installation identified in s. 163.3175(2) may not be
320 administratively approved. Each municipality shall maintain on
321 its website a policy containing procedures and expectations for
322 administrative approval pursuant to this subsection.

323 (f)1. A municipality must, upon request of an applicant,
324 reduce ~~consider reducing~~ parking requirements for a proposed
325 development authorized under this subsection by 20 percent if
326 the development:

327 a. Is located within one-quarter mile of a transit stop, as
328 defined in the municipality's land development code, and the
329 transit stop is accessible from the development; ~~-~~



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330 ~~2. A municipality must reduce parking requirements by at~~
331 ~~least 20 percent for a proposed development authorized under~~
332 ~~this subsection if the development:~~

333 ~~b.a.~~ Is located within one-half mile of a major
334 transportation hub that is accessible from the proposed
335 development by safe, pedestrian-friendly means, such as
336 sidewalks, crosswalks, elevated pedestrian or bike paths, or
337 other multimodal design features; ~~or-~~

338 ~~c.b.~~ Has available parking within 600 feet of the proposed
339 development which may consist of options such as on-street
340 parking, parking lots, or parking garages available for use by
341 residents of the proposed development. However, a municipality
342 may not require that the available parking compensate for the
343 reduction in parking requirements.

344 ~~2.3.~~ A municipality must eliminate parking requirements for
345 a proposed mixed-use residential development authorized under
346 this subsection within an area recognized by the municipality as
347 a transit-oriented development or area, as provided in paragraph
348 (h).

349 ~~3.4.~~ For purposes of this paragraph, the term "major
350 transportation hub" means any transit station, whether bus,
351 train, or light rail, which is served by public transit with a
352 mix of other transportation options.

353 (k) Notwithstanding any other law or local ordinance or
354 regulation to the contrary, a municipality may allow an adjacent
355 parcel of land to be included within a proposed multifamily
356 development authorized under this subsection.

357 (1) This subsection does not apply to:

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



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

361 3. The Wekiva Study Area, as described in s. 369.316.

362 4. The Everglades Protection Area, as defined in s.
363 373.4592(2).

364 (m) The court shall give any civil action filed against a
365 municipality for a violation of this subsection priority over
366 other pending cases and render a preliminary or final decision
367 as expeditiously as possible.

368 (n) If a civil action is filed against a municipality for a
369 violation of this subsection, the court must assess and award
370 reasonable attorney fees and costs to the prevailing party. An
371 award of reasonable attorney fees or costs pursuant to this
372 subsection may not exceed \$200,000. In addition, a prevailing
373 party may not recover any attorney fees or costs directly
374 incurred by or associated with litigation to determine an award
375 of reasonable attorney fees or costs.

376 (o) As used in this subsection, the term:

377 1. "Commercial use" means activities associated with the
378 sale, rental, or distribution of products or the performance of
379 services related thereto. The term includes, but is not limited
380 to, such uses or activities as retail sales; wholesale sales;
381 rentals of equipment, goods, or products; offices; restaurants;
382 food service vendors; sports arenas; theaters; tourist
383 attractions; and other for-profit business activities. A parcel
384 zoned to permit such uses by right without the requirement to
385 obtain a variance or waiver is considered commercial use for the
386 purposes of this section, irrespective of the local land
387 development regulation's listed category or title. The term does



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388 not include home-based businesses or cottage food operations
389 undertaken on residential property, uses that are accessory,
390 ancillary, incidental to the allowable uses, or allowed only on
391 a temporary basis. Recreational uses, such as golf courses,
392 tennis courts, swimming pools, and clubhouses, within an area
393 designated for residential use are not commercial use,
394 irrespective of the manner in which they are operated.

395 2. "Industrial use" means activities associated with the
396 manufacture, assembly, processing, or storage of products or the
397 performance of services related thereto. The term includes, but
398 is not limited to, such uses or activities as automobile
399 manufacturing or repair, boat manufacturing or repair, junk
400 yards, meat packing facilities, citrus processing and packing
401 facilities, produce processing and packing facilities,
402 electrical generating plants, water treatment plants, sewage
403 treatment plants, and solid waste disposal sites. A parcel zoned
404 to permit such uses by right without the requirement to obtain a
405 variance or waiver is considered industrial use for the purposes
406 of this section, irrespective of the local land development
407 regulation's listed category or title. The term does not include
408 uses that are accessory, ancillary, incidental to the allowable
409 uses, or allowed only on a temporary basis. Recreational uses,
410 such as golf courses, tennis courts, swimming pools, and
411 clubhouses, within an area designated for residential use are
412 not industrial, irrespective of the manner in which they are
413 operated.

414 3. "Mixed-use" means any use that combines multiple types
415 of approved land uses from at least two of the residential use,
416 commercial use, and industrial use categories. The term does not



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417 include uses that are accessory, ancillary, incidental to the
418 allowable uses, or allowed only on a temporary basis.

419 Recreational uses, such as golf courses, tennis courts, swimming
420 pools, and clubhouses, within an area designated for residential
421 use are not mixed use, irrespective of the manner in which they
422 are operated.

423 4. "Planned unit development" has the same meaning as
424 provided in s. 163.3202(5)(b).

425 (9)(a) A municipality may not impose a building moratorium
426 that has the effect of delaying the permitting or construction
427 of a multifamily residential or mixed-use residential
428 development authorized under subsection (7) except as provided
429 in paragraph (b).

430 (b) A municipality may, by ordinance, impose such a
431 building moratorium for no more than 90 days in any 3-year
432 period. Before adoption of such a building moratorium, the
433 municipality shall prepare or cause to be prepared an assessment
434 of the municipality's need for affordable housing at the
435 extremely-low-income, very-low-income, low-income, or moderate-
436 income limits specified in s. 420.0004, including projections of
437 such need for the next 5 years. This assessment must be posted
438 on the municipality's website by the date the notice of proposed
439 enactment is published and must be presented at the same public
440 meeting at which the proposed ordinance imposing the building
441 moratorium is adopted by the governing body of the municipality.
442 This assessment must be included in the business impact estimate
443 for the ordinance imposing such a moratorium required by s.
444 166.041(4).

445 (c) If a civil action is filed against a municipality for a



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446 violation of this subsection, the court must assess and award
447 reasonable attorney fees and costs to the prevailing party. An
448 award of reasonable attorney fees or costs pursuant to this
449 subsection may not exceed \$200,000. In addition, a prevailing
450 party may not recover any attorney fees or costs directly
451 incurred by or associated with litigation to determine an award
452 of reasonable attorney fees or costs.

453 (d) This subsection does not apply to moratoria imposed due
454 to unavailability of public facilities or services or imposed to
455 address stormwater or flood water management, if such moratoria
456 apply equally to all types of multifamily or mixed-use
457 residential development.

458
459 ===== T I T L E A M E N D M E N T =====

460 And the title is amended as follows:

461 Delete lines 13 - 32

462 and insert:

463 density, floor area ratio, or height below which
464 counties and municipalities may not restrict certain
465 developments; requiring the administrative approval of
466 certain proposed developments without further action
467 by a quasi-judicial or administrative board or
468 reviewing body under certain circumstances; requiring
469 counties and municipalities to reduce parking
470 requirements by a specified percentage for certain
471 proposed developments under certain circumstances;
472 requiring counties and municipalities to allow
473 adjacent parcels of land to be included within certain
474 proposed developments; revising applicability;



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475 requiring a court to give priority to and render
476 expeditious decisions in certain civil actions;
477 requiring a court to award reasonable attorney fees
478 and costs to a prevailing party in certain civil
479 actions; providing that such attorney fees or costs
480 may not exceed a specified dollar amount; prohibiting
481 the prevailing party from recovering certain other
482 fees or costs; defining terms; prohibiting counties
483 and municipalities from imposing certain building
484 moratoriums; providing an exception, subject to
485 certain requirements; providing applicability;
486 authorizing