

By the Committee on Community Affairs; and Senator Calatayud

578-03104-25

20251730c1

1 A bill to be entitled
2 An act relating to affordable housing; amending ss.
3 125.01055 and 166.04151, F.S.; requiring counties and
4 municipalities, respectively, to authorize multifamily
5 and mixed-use residential as allowable uses in
6 portions of flexibly zoned areas under certain
7 circumstances; prohibiting counties and municipalities
8 from imposing certain requirements on proposed
9 multifamily developments; prohibiting counties and
10 municipalities from requiring that more than a
11 specified percentage of a mixed-use residential
12 project be used for certain purposes; revising the
13 density, floor area ratio, or height below which
14 counties and municipalities may not restrict certain
15 developments; requiring the administrative approval of
16 certain proposed developments without further action
17 by a quasi-judicial or administrative board or
18 reviewing body under certain circumstances; requiring
19 counties and municipalities to reduce parking
20 requirements by a specified percentage for certain
21 proposed developments under certain circumstances;
22 requiring counties and municipalities to allow
23 adjacent parcels of land to be included within certain
24 proposed developments; revising applicability;
25 requiring a court to give priority to and render
26 expeditious decisions in certain civil actions;
27 requiring a court to award reasonable attorney fees
28 and costs to a prevailing party in certain civil
29 actions; providing that such attorney fees or costs

578-03104-25

20251730c1

30 may not exceed a specified dollar amount; prohibiting
31 the prevailing party from recovering certain other
32 fees or costs; defining terms; prohibiting counties
33 and municipalities from imposing certain building
34 moratoriums; providing an exception, subject to
35 certain requirements; providing applicability;
36 authorizing applicants for certain proposed
37 developments to notify the county or municipality, as
38 applicable, by a specified date of its intent to
39 proceed under certain provisions; requiring counties
40 and municipalities to allow certain applicants to
41 submit revised applications, written requests, and
42 notices of intent to account for changes made by the
43 act; amending s. 380.0552, F.S.; revising the maximum
44 hurricane evacuation clearance time for permanent
45 residents, which time is an element for which
46 amendments to local comprehensive plans in the Florida
47 Keys Area must be reviewed for compliance; providing
48 legislative intent; creating s. 420.5098, F.S.;

49 providing legislative findings and intent; defining
50 terms; providing that it is the policy of the state to
51 support housing for certain employees and to permit
52 developers in receipt of certain tax credits and funds
53 to create a specified preference for housing certain
54 employees; requiring that such preference conform to
55 certain requirements; amending s. 760.26, F.S.;

56 providing that it is unlawful to discriminate in land
57 use decisions or in the permitting of development
58 based on the specified nature of a development or

578-03104-25

20251730c1

59 proposed development; providing an effective date.

60
61 Be It Enacted by the Legislature of the State of Florida:

62
63 Section 1. Present paragraph (l) of subsection (7) of
64 section 125.01055, Florida Statutes, is redesignated as
65 paragraph (p), a new paragraph (l) and paragraphs (m), (n), and
66 (o) are added to that subsection, subsection (9) is added to
67 that section, and paragraphs (a) through (f) and (k) of
68 subsection (7) of that section are amended, to read:

69 125.01055 Affordable housing.—

70 (7) (a) A county must authorize multifamily and mixed-use
71 residential as allowable uses in any area zoned for commercial,
72 industrial, or mixed use, and in portions of any flexibly zoned
73 area such as a planned unit development permitted for
74 commercial, industrial, or mixed use, if at least 40 percent of
75 the residential units in a proposed multifamily development are
76 rental units that, for a period of at least 30 years, are
77 affordable as defined in s. 420.0004. Notwithstanding any other
78 law, local ordinance, or regulation to the contrary, a county
79 may not require a proposed multifamily development to obtain a
80 zoning or land use change, special exception, conditional use
81 approval, variance, transfer of density or development units,
82 amendment to a development of regional impact, or comprehensive
83 plan amendment for the building height, zoning, and densities
84 authorized under this subsection. For mixed-use residential
85 projects, at least 65 percent of the total square footage must
86 be used for residential purposes. The county may not require
87 that more than 10 percent of the total square footage of such

578-03104-25

20251730c1

88 mixed-use residential projects be used for nonresidential
89 purposes.

90 (b) A county may not restrict the density of a proposed
91 development authorized under this subsection below the highest
92 currently allowed, or allowed on July 1, 2023, density on any
93 unincorporated land in the county where residential development
94 is allowed under the county's land development regulations. For
95 purposes of this paragraph, the term "highest currently allowed
96 density" does not include the density of any building that met
97 the requirements of this subsection or the density of any
98 building that has received any bonus, variance, or other special
99 exception for density provided in the county's land development
100 regulations as an incentive for development.

101 (c) A county may not restrict the floor area ratio of a
102 proposed development authorized under this subsection below 150
103 percent of the highest currently allowed, or allowed on July 1,
104 2023, floor area ratio on any unincorporated land in the county
105 where development is allowed under the county's land development
106 regulations. For purposes of this paragraph, the term "highest
107 currently allowed floor area ratio" does not include the floor
108 area ratio of any building that met the requirements of this
109 subsection or the floor area ratio of any building that has
110 received any bonus, variance, or other special exception for
111 floor area ratio provided in the county's land development
112 regulations as an incentive for development. For purposes of
113 this subsection, the term "floor area ratio" includes floor lot
114 ratio.

115 (d)1. A county may not restrict the height of a proposed
116 development authorized under this subsection below the highest

578-03104-25

20251730c1

117 currently allowed, or allowed on July 1, 2023, height for a
118 commercial or residential building located in its jurisdiction
119 within 1 mile of the proposed development or 3 stories,
120 whichever is higher. For purposes of this paragraph, the term
121 "highest currently allowed height" does not include the height
122 of any building that met the requirements of this subsection or
123 the height of any building that has received any bonus,
124 variance, or other special exception for height provided in the
125 county's land development regulations as an incentive for
126 development.

127 2. If the proposed development is adjacent to, on two or
128 more sides, a parcel zoned for single-family residential use
129 which is within a single-family residential development with at
130 least 25 contiguous single-family homes, the county may restrict
131 the height of the proposed development to 150 percent of the
132 tallest building on any property adjacent to the proposed
133 development, the highest currently allowed, or allowed on July
134 1, 2023, height for the property provided in the county's land
135 development regulations, or 3 stories, whichever is higher, but
136 not to exceed 10 stories. For the purposes of this paragraph,
137 the term "adjacent to" means those properties sharing more than
138 one point of a property line, but does not include properties
139 separated by a public road.

140 (e) A proposed development authorized under this subsection
141 must be administratively approved without ~~and no~~ further action
142 by the board of county commissioners or any quasi-judicial or
143 administrative board or reviewing body ~~is required~~ if the
144 development satisfies the county's land development regulations
145 for multifamily developments in areas zoned for such use and is

578-03104-25

20251730c1

146 otherwise consistent with the comprehensive plan, with the
147 exception of provisions establishing allowable densities, floor
148 area ratios, height, and land use. Such land development
149 regulations include, but are not limited to, regulations
150 relating to setbacks and parking requirements. A proposed
151 development located within one-quarter mile of a military
152 installation identified in s. 163.3175(2) may not be
153 administratively approved. Each county shall maintain on its
154 website a policy containing procedures and expectations for
155 administrative approval pursuant to this subsection.

156 (f)1. A county must, upon request of an applicant, reduce
157 ~~consider reducing~~ parking requirements by 20 percent for a
158 proposed development authorized under this subsection if the
159 development:

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

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

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

171 ~~c.b.~~ Has available parking within 600 feet of the proposed
172 development which may consist of options such as on-street
173 parking, parking lots, or parking garages available for use by
174 residents of the proposed development. However, a county may not

578-03104-25

20251730c1

175 require that the available parking compensate for the reduction
176 in parking requirements.

177 ~~2.3.~~ A county must eliminate parking requirements for a
178 proposed mixed-use residential development authorized under this
179 subsection within an area recognized by the county as a transit-
180 oriented development or area, as provided in paragraph (h).

181 ~~3.4.~~ For purposes of this paragraph, the term "major
182 transportation hub" means any transit station, whether bus,
183 train, or light rail, which is served by public transit with a
184 mix of other transportation options.

185 (k) Notwithstanding any other law or local ordinance or
186 regulation to the contrary, a county may allow an adjacent
187 parcel of land to be included within a proposed multifamily
188 development authorized under this subsection.

189 (l) This subsection does not apply to:

- 190 1. Airport-impacted areas as provided in s. 333.03.
- 191 2. Property defined as recreational and commercial working
192 waterfront in s. 342.201(2)(b) in any area zoned as industrial.
- 193 3. The Wekiva Study Area, as described in s. 369.316.
- 194 4. The Everglades Protection Area, as defined in s.
195 373.4592(2).

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

200 (n) If a civil action is filed against a county for a
201 violation of this subsection, the court must assess and award
202 reasonable attorney fees and costs to the prevailing party. An
203 award of reasonable attorney fees or costs pursuant to this

578-03104-25

20251730c1

204 subsection may not exceed \$200,000. In addition, a prevailing
205 party may not recover any attorney fees or costs directly
206 incurred by or associated with litigation to determine an award
207 of reasonable attorney fees or costs.

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

209 1. "Commercial use" means activities associated with the
210 sale, rental, or distribution of products or the performance of
211 services related thereto. The term includes, but is not limited
212 to, such uses or activities as retail sales; wholesale sales;
213 rentals of equipment, goods, or products; offices; restaurants;
214 food service vendors; sports arenas; theaters; tourist
215 attractions; and other for-profit business activities. A parcel
216 zoned to permit such uses by right without the requirement to
217 obtain a variance or waiver is considered commercial use for the
218 purposes of this section, irrespective of the local land
219 development regulation's listed category or title. The term does
220 not include home-based businesses or cottage food operations
221 undertaken on residential property, uses that are accessory,
222 ancillary, incidental to the allowable uses, or allowed only on
223 a temporary basis. Recreational uses, such as golf courses,
224 tennis courts, swimming pools, and clubhouses, within an area
225 designated for residential use are not commercial use,
226 irrespective of the manner in which they are operated.

227 2. "Industrial use" means activities associated with the
228 manufacture, assembly, processing, or storage of products or the
229 performance of services related thereto. The term includes, but
230 is not limited to, such uses or activities as automobile
231 manufacturing or repair, boat manufacturing or repair, junk
232 yards, meat packing facilities, citrus processing and packing

578-03104-25

20251730c1

233 facilities, produce processing and packing facilities,
234 electrical generating plants, water treatment plants, sewage
235 treatment plants, and solid waste disposal sites. A parcel zoned
236 to permit such uses by right without the requirement to obtain a
237 variance or waiver is considered industrial use for the purposes
238 of this section, irrespective of the local land development
239 regulation's listed category or title. The term does not include
240 uses that are accessory, ancillary, incidental to the allowable
241 uses, or allowed only on a temporary basis. Recreational uses,
242 such as golf courses, tennis courts, swimming pools, and
243 clubhouses, within an area designated for residential use are
244 not industrial use, irrespective of the manner in which they are
245 operated.

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

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

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

257 (9) (a) A county may not impose a building moratorium that
258 has the effect of delaying the permitting or construction of a
259 multifamily residential or mixed-use residential development
260 authorized under subsection (7) except as provided in paragraph
261 (b).

578-03104-25

20251730c1

262 (b) A county may, by ordinance, impose such a building
263 moratorium for no more than 90 days in any 3-year period. Before
264 adoption of such a building moratorium, the county shall prepare
265 or cause to be prepared an assessment of the county's need for
266 affordable housing at the extremely-low-income, very-low-income,
267 low-income, or moderate-income limits specified in s. 420.0004,
268 including projections of such need for the next 5 years. This
269 assessment must be posted on the county's website by the date
270 the notice of proposed enactment is published, and presented at
271 the same public meeting at which the proposed ordinance imposing
272 the building moratorium is adopted by the board of county
273 commissioners. This assessment must be included in the business
274 impact estimate for the ordinance imposing such a moratorium
275 required by s. 125.66(3).

276 (c) If a civil action is filed against a county for a
277 violation of this subsection, the court must assess and award
278 reasonable attorney fees and costs to the prevailing party. An
279 award of reasonable attorney fees or costs pursuant to this
280 subsection may not exceed \$200,000. In addition, a prevailing
281 party may not recover any attorney fees or costs directly
282 incurred by or associated with litigation to determine an award
283 of reasonable attorney fees or costs.

284 (d) This subsection does not apply to moratoria imposed due
285 to unavailability of public facilities or services or imposed to
286 address stormwater or flood water management, if such moratoria
287 apply equally to all types of multifamily or mixed-use
288 residential development.

289 Section 2. Present paragraph (1) of subsection (7) of
290 section 166.04151, Florida Statutes, is redesignated as

578-03104-25

20251730c1

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

295 166.04151 Affordable housing.—

296 (7) (a) A municipality must authorize multifamily and mixed-
297 use residential as allowable uses in any area zoned for
298 commercial, industrial, or mixed use, and in portions of any
299 flexibly zoned area such as a planned unit development permitted
300 for commercial, industrial, or mixed use, if at least 40 percent
301 of the residential units in a proposed multifamily development
302 are rental units that, for a period of at least 30 years, are
303 affordable as defined in s. 420.0004. Notwithstanding any other
304 law, local ordinance, or regulation to the contrary, a
305 municipality may not require a proposed multifamily development
306 to obtain a zoning or land use change, special exception,
307 conditional use approval, variance, transfer of density or
308 development units, amendment to a development of regional
309 impact, or comprehensive plan amendment for the building height,
310 zoning, and densities authorized under this subsection. For
311 mixed-use residential projects, at least 65 percent of the total
312 square footage must be used for residential purposes. The
313 municipality may not require that more than 10 percent of the
314 total square footage of such mixed-use residential projects be
315 used for nonresidential purposes.

316 (b) A municipality may not restrict the density of a
317 proposed development authorized under this subsection below the
318 highest currently allowed, or allowed on July 1, 2023, density
319 on any land in the municipality where residential development is

578-03104-25

20251730c1

320 allowed under the municipality's land development regulations.
321 For purposes of this paragraph, the term "highest currently
322 allowed density" does not include the density of any building
323 that met the requirements of this subsection or the density of
324 any building that has received any bonus, variance, or other
325 special exception for density provided in the municipality's
326 land development regulations as an incentive for development.

327 (c) A municipality may not restrict the floor area ratio of
328 a proposed development authorized under this subsection below
329 150 percent of the highest currently allowed, or allowed on July
330 1, 2023, floor area ratio on any land in the municipality where
331 development is allowed under the municipality's land development
332 regulations. For purposes of this paragraph, the term "highest
333 currently allowed floor area ratio" does not include the floor
334 area ratio of any building that met the requirements of this
335 subsection or the floor area ratio of any building that has
336 received any bonus, variance, or other special exception for
337 floor area ratio provided in the municipality's land development
338 regulations as an incentive for development. For purposes of
339 this subsection, the term "floor area ratio" includes floor lot
340 ratio.

341 (d)1. A municipality may not restrict the height of a
342 proposed development authorized under this subsection below the
343 highest currently allowed, or allowed on July 1, 2023, height
344 for a commercial or residential building located in its
345 jurisdiction within 1 mile of the proposed development or 3
346 stories, whichever is higher. For purposes of this paragraph,
347 the term "highest currently allowed height" does not include the
348 height of any building that met the requirements of this

578-03104-25

20251730c1

349 subsection or the height of any building that has received any
350 bonus, variance, or other special exception for height provided
351 in the municipality's land development regulations as an
352 incentive for development.

353 2. If the proposed development is adjacent to, on two or
354 more sides, a parcel zoned for single-family residential use
355 that is within a single-family residential development with at
356 least 25 contiguous single-family homes, the municipality may
357 restrict the height of the proposed development to 150 percent
358 of the tallest building on any property adjacent to the proposed
359 development, the highest currently allowed, or allowed on July
360 1, 2023, height for the property provided in the municipality's
361 land development regulations, or 3 stories, whichever is higher,
362 not to exceed 10 stories. For the purposes of this paragraph,
363 the term "adjacent to" means those properties sharing more than
364 one point of a property line, but does not include properties
365 separated by a public road or body of water, including man-made
366 lakes or ponds.

367 (e) A proposed development authorized under this subsection
368 must be administratively approved without ~~and no~~ further action
369 by the governing body of the municipality or any quasi-judicial
370 or administrative board or reviewing body ~~is required~~ if the
371 development satisfies the municipality's land development
372 regulations for multifamily developments in areas zoned for such
373 use and is otherwise consistent with the comprehensive plan,
374 with the exception of provisions establishing allowable
375 densities, floor area ratios, height, and land use. Such land
376 development regulations include, but are not limited to,
377 regulations relating to setbacks and parking requirements. A

578-03104-25

20251730c1

378 proposed development located within one-quarter mile of a
379 military installation identified in s. 163.3175(2) may not be
380 administratively approved. Each municipality shall maintain on
381 its website a policy containing procedures and expectations for
382 administrative approval pursuant to this subsection.

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

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

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

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

398 ~~c.b.~~ Has available parking within 600 feet of the proposed
399 development which may consist of options such as on-street
400 parking, parking lots, or parking garages available for use by
401 residents of the proposed development. However, a municipality
402 may not require that the available parking compensate for the
403 reduction in parking requirements.

404 ~~2.3.~~ A municipality must eliminate parking requirements for
405 a proposed mixed-use residential development authorized under
406 this subsection within an area recognized by the municipality as

578-03104-25

20251730c1

407 a transit-oriented development or area, as provided in paragraph
408 (h).

409 ~~3.4.~~ For purposes of this paragraph, the term "major
410 transportation hub" means any transit station, whether bus,
411 train, or light rail, which is served by public transit with a
412 mix of other transportation options.

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

417 (1) This subsection does not apply to:

- 418 1. Airport-impacted areas as provided in s. 333.03.
- 419 2. Property defined as recreational and commercial working
420 waterfront in s. 342.201(2)(b) in any area zoned as industrial.
- 421 3. The Wekiva Study Area, as described in s. 369.316.
- 422 4. The Everglades Protection Area, as defined in s.
423 373.4592(2).

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

428 (n) If a civil action is filed against a municipality for a
429 violation of this subsection, the court must assess and award
430 reasonable attorney fees and costs to the prevailing party. An
431 award of reasonable attorney fees or costs pursuant to this
432 subsection may not exceed \$200,000. In addition, a prevailing
433 party may not recover any attorney fees or costs directly
434 incurred by or associated with litigation to determine an award
435 of reasonable attorney fees or costs.

578-03104-25

20251730c1

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

437 1. "Commercial use" means activities associated with the
438 sale, rental, or distribution of products or the performance of
439 services related thereto. The term includes, but is not limited
440 to, such uses or activities as retail sales; wholesale sales;
441 rentals of equipment, goods, or products; offices; restaurants;
442 food service vendors; sports arenas; theaters; tourist
443 attractions; and other for-profit business activities. A parcel
444 zoned to permit such uses by right without the requirement to
445 obtain a variance or waiver is considered commercial use for the
446 purposes of this section, irrespective of the local land
447 development regulation's listed category or title. The term does
448 not include home-based businesses or cottage food operations
449 undertaken on residential property, uses that are accessory,
450 ancillary, incidental to the allowable uses, or allowed only on
451 a temporary basis. Recreational uses, such as golf courses,
452 tennis courts, swimming pools, and clubhouses, within an area
453 designated for residential use are not commercial use,
454 irrespective of the manner in which they are operated.

455 2. "Industrial use" means activities associated with the
456 manufacture, assembly, processing, or storage of products or the
457 performance of services related thereto. The term includes, but
458 is not limited to, such uses or activities as automobile
459 manufacturing or repair, boat manufacturing or repair, junk
460 yards, meat packing facilities, citrus processing and packing
461 facilities, produce processing and packing facilities,
462 electrical generating plants, water treatment plants, sewage
463 treatment plants, and solid waste disposal sites. A parcel zoned
464 to permit such uses by right without the requirement to obtain a

578-03104-25

20251730c1

465 variance or waiver is considered industrial use for the purposes
466 of this section, irrespective of the local land development
467 regulation's listed category or title. The term does not include
468 uses that are accessory, ancillary, incidental to the allowable
469 uses, or allowed only on a temporary basis. Recreational uses,
470 such as golf courses, tennis courts, swimming pools, and
471 clubhouses, within an area designated for residential use are
472 not industrial, irrespective of the manner in which they are
473 operated.

474 3. "Mixed-use" means any use that combines multiple types
475 of approved land uses from at least two of the residential use,
476 commercial use, and industrial use categories. The term does not
477 include uses that are accessory, ancillary, incidental to the
478 allowable uses, or allowed only on a temporary basis.
479 Recreational uses, such as golf courses, tennis courts, swimming
480 pools, and clubhouses, within an area designated for residential
481 use are not mixed use, irrespective of the manner in which they
482 are operated.

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

485 (9)(a) A municipality may not impose a building moratorium
486 that has the effect of delaying the permitting or construction
487 of a multifamily residential or mixed-use residential
488 development authorized under subsection (7) except as provided
489 in paragraph (b).

490 (b) A municipality may, by ordinance, impose such a
491 building moratorium for no more than 90 days in any 3-year
492 period. Before adoption of such a building moratorium, the
493 municipality shall prepare or cause to be prepared an assessment

578-03104-25

20251730c1

494 of the municipality's need for affordable housing at the
495 extremely-low-income, very-low-income, low-income, or moderate-
496 income limits specified in s. 420.0004, including projections of
497 such need for the next 5 years. This assessment must be posted
498 on the municipality's website by the date the notice of proposed
499 enactment is published and must be presented at the same public
500 meeting at which the proposed ordinance imposing the building
501 moratorium is adopted by the governing body of the municipality.
502 This assessment must be included in the business impact estimate
503 for the ordinance imposing such a moratorium required by s.
504 166.041(4).

505 (c) If a civil action is filed against a municipality for a
506 violation of this subsection, the court must assess and award
507 reasonable attorney fees and costs to the prevailing party. An
508 award of reasonable attorney fees or costs pursuant to this
509 subsection may not exceed \$200,000. In addition, a prevailing
510 party may not recover any attorney fees or costs directly
511 incurred by or associated with litigation to determine an award
512 of reasonable attorney fees or costs.

513 (d) This subsection does not apply to moratoria imposed due
514 to unavailability of public facilities or services or imposed to
515 address stormwater or flood water management, if such moratoria
516 apply equally to all types of multifamily or mixed-use
517 residential development.

518 Section 3. An applicant for a proposed development
519 authorized under s. 125.01055(7), Florida Statutes, or s.
520 166.04151(7), Florida Statutes, who submitted an application,
521 written request, or notice of intent to use such provisions to
522 the county or municipality and which application, written

578-03104-25

20251730c1

523 request, or notice of intent has been received by the county or
524 municipality, as applicable, before July 1, 2025, may notify the
525 county or municipality by July 1, 2025, of its intent to proceed
526 under the provisions of s. 125.01055(7), Florida Statutes, or s.
527 166.04151(7), Florida Statutes, as they existed at the time of
528 submittal. A county or municipality, as applicable, shall allow
529 an applicant who submitted such application, written request, or
530 notice of intent before July 1, 2025, the opportunity to submit
531 a revised application, written request, or notice of intent to
532 account for the changes made by this act.

533 Section 4. Paragraph (a) of subsection (9) of section
534 380.0552, Florida Statutes, is amended to read:

535 380.0552 Florida Keys Area; protection and designation as
536 area of critical state concern.—

537 (9) MODIFICATION TO PLANS AND REGULATIONS.—

538 (a) Any land development regulation or element of a local
539 comprehensive plan in the Florida Keys Area may be enacted,
540 amended, or rescinded by a local government, but the enactment,
541 amendment, or rescission becomes effective only upon approval by
542 the state land planning agency. The state land planning agency
543 shall review the proposed change to determine if it is in
544 compliance with the principles for guiding development specified
545 in chapter 27F-8, Florida Administrative Code, as amended
546 effective August 23, 1984, and must approve or reject the
547 requested changes within 60 days after receipt. Amendments to
548 local comprehensive plans in the Florida Keys Area must also be
549 reviewed for compliance with the following:

550 1. Construction schedules and detailed capital financing
551 plans for wastewater management improvements in the annually

578-03104-25

20251730c1

552 adopted capital improvements element, and standards for the
553 construction of wastewater treatment and disposal facilities or
554 collection systems that meet or exceed the criteria in s.
555 403.086(11) for wastewater treatment and disposal facilities or
556 s. 381.0065(4)(1) for onsite sewage treatment and disposal
557 systems.

558 2. Goals, objectives, and policies to protect public safety
559 and welfare in the event of a natural disaster by maintaining a
560 hurricane evacuation clearance time for permanent residents of
561 no more than 26 ~~24~~ hours. The hurricane evacuation clearance
562 time shall be determined by a hurricane evacuation study
563 conducted in accordance with a professionally accepted
564 methodology and approved by the state land planning agency. For
565 purposes of hurricane evacuation clearance time:

566 a. Mobile home residents are not considered permanent
567 residents.

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

572 Section 5. It is the intent of the Legislature that the
573 amendment made by this act to s. 380.0552, Florida Statutes,
574 will accommodate the building of additional developments within
575 the Florida Keys to ameliorate the acute affordable housing and
576 building permit allocation shortage. The Legislature also
577 intends that local governments subject to the hurricane
578 evacuation clearance time restrictions on residential buildings
579 manage growth with a heightened focus on long-term stability and
580 affordable housing for the local workforce.

578-03104-25

20251730c1

581 Section 6. Section 420.5098, Florida Statutes, is created
582 to read:

583 420.5098 Public sector and hospital employer-sponsored
584 housing policy.—

585 (1) The Legislature finds that it is in the best interests
586 of the state and the state's economy to provide affordable
587 housing to state residents employed by hospitals, health care
588 facilities, and governmental entities in order to attract and
589 maintain the highest quality labor by incentivizing such
590 employers to sponsor affordable housing opportunities. Section
591 42(g)(9)(B) of the Internal Revenue Code provides that a
592 qualified low-income housing project does not fail to meet the
593 general public use requirement solely because of occupancy
594 restrictions or preferences that favor tenants who are members
595 of a specified group under a state program or policy that
596 supports housing for such specified group. Therefore, it is the
597 intent of the Legislature to establish a policy that supports
598 the development of affordable workforce housing for employees of
599 hospitals, health care facilities, and governmental entities.

600 (2) For purposes of this section, the term:

601 (a) "Governmental entity" means any state, regional,
602 county, local, or municipal governmental entity of this state,
603 whether executive, judicial, or legislative; any department,
604 division, bureau, commission, authority, or political
605 subdivision of the state; any public school, state university,
606 or Florida College System institution; or any special district
607 as defined in s. 189.012.

608 (b) "Health care facility" has the same meaning as provided
609 in s. 159.27(16).

578-03104-25

20251730c1

610 (c) "Hospital" means a hospital under chapter 155, a
611 hospital district created pursuant to chapter 189, or a hospital
612 licensed pursuant to chapter 395, including corporations not for
613 profit that are qualified as charitable under s. 501(c)(3) of
614 the Internal Revenue Code and for-profit entities.

615 (3) It is the policy of the state to support housing for
616 employees of hospitals, health care facilities, and governmental
617 entities and to allow developers in receipt of federal low-
618 income housing tax credits allocated pursuant to s. 420.5099,
619 local or state funds, or other sources of funding available to
620 finance the development of affordable housing to create a
621 preference for housing for such employees. Such preference must
622 conform to the requirements of s. 42(g)(9) of the Internal
623 Revenue Code.

624 Section 7. Section 760.26, Florida Statutes, is amended to
625 read:

626 760.26 Prohibited discrimination in land use decisions and
627 in permitting of development.—It is unlawful to discriminate in
628 land use decisions or in the permitting of development based on
629 race, color, national origin, sex, disability, familial status,
630 religion, or, except as otherwise provided by law, the source of
631 financing of a development or proposed development or the nature
632 of a development or proposed development as affordable housing.

633 Section 8. This act shall take effect July 1, 2025.