By the Committees on Rules; and Community Affairs; and Senator Calatayud

595-03360-25 20251730c2 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 counties and municipalities may not restrict certain 14 15 developments; defining the term "story" for a proposed 16 development located within a municipality within a 17 certain area of critical state concern; requiring the 18 administrative approval of certain proposed 19 developments without further action by a quasi-20 judicial or administrative board or reviewing body 21 under certain circumstances; requiring counties and 22 municipalities to reduce parking requirements by a 23 specified percentage for certain proposed developments 24 under certain circumstances; requiring counties and 25 municipalities to allow adjacent parcels of land to be included within certain proposed developments; 2.6 27 revising applicability; requiring a court to give 28 priority to and render expeditious decisions in 29 certain civil actions; requiring a court to award

Page 1 of 23

595-03360-25

20251730c2

30 reasonable attorney fees and costs to a prevailing 31 party in certain civil actions; providing that such 32 attorney fees or costs may not exceed a specified dollar amount; prohibiting the prevailing party from 33 34 recovering certain other fees or costs; defining 35 terms; prohibiting counties and municipalities from 36 imposing certain building moratoriums; providing an 37 exception, subject to certain requirements; providing 38 applicability; authorizing applicants for certain 39 proposed developments to notify the county or 40 municipality, as applicable, by a specified date of 41 its intent to proceed under certain provisions; requiring counties and municipalities to allow certain 42 applicants to submit revised applications, written 43 44 requests, and notices of intent to account for changes made by the act; amending s. 380.0552, F.S.; revising 45 46 the maximum hurricane evacuation clearance time for 47 permanent residents, which time is an element for which amendments to local comprehensive plans in the 48 49 Florida Keys Area must be reviewed for compliance; 50 providing legislative intent; creating s. 420.5098, 51 F.S.; providing legislative findings and intent; 52 defining terms; providing that it is the policy of the 53 state to support housing for certain employees and to 54 permit developers in receipt of certain tax credits and funds to create a specified preference for housing 55 56 certain employees; requiring that such preference 57 conform to certain requirements; amending s. 760.26, 58 F.S.; providing that it is unlawful to discriminate in

Page 2 of 23

·	595-03360-25 20251730c2
59	land use decisions or in the permitting of development
60	based on the specified nature of a development or
61	proposed development; providing an effective date.
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63	Be It Enacted by the Legislature of the State of Florida:
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65	Section 1. Present paragraph (1) of subsection (7) of
66	section 125.01055, Florida Statutes, is redesignated as
67	paragraph (p), a new paragraph (l) and paragraphs (m), (n), and
68	(o) are added to that subsection, subsection (9) is added to
69	that section, and paragraphs (a) through (f) and (k) of
70	subsection (7) of that section are amended, to read:
71	125.01055 Affordable housing
72	(7)(a) A county must authorize multifamily and mixed-use
73	residential as allowable uses in any area zoned for commercial,
74	industrial, or mixed use, and in portions of any flexibly zoned
75	area such as a planned unit development permitted for
76	commercial, industrial, or mixed use, if at least 40 percent of
77	the residential units in a proposed multifamily development are
78	rental units that, for a period of at least 30 years, are
79	affordable as defined in s. 420.0004. Notwithstanding any other
80	law, local ordinance, or regulation to the contrary, a county
81	may not require a proposed multifamily development to obtain a
82	zoning or land use change, special exception, conditional use
83	approval, variance, <u>transfer of density or development units,</u>
84	amendment to a development of regional impact, or comprehensive
85	plan amendment for the building height, zoning, and densities
86	authorized under this subsection. For mixed-use residential
87	projects, at least 65 percent of the total square footage must

Page 3 of 23

	595-03360-25 20251730c2
88	be used for residential purposes. The county may not require
89	that more than 10 percent of the total square footage of such
90	mixed-use residential projects be used for nonresidential
91	purposes.

92 (b) A county may not restrict the density of a proposed 93 development authorized under this subsection below the highest 94 currently allowed, or allowed on July 1, 2023, density on any 95 unincorporated land in the county where residential development 96 is allowed under the county's land development regulations. For 97 purposes of this paragraph, the term "highest currently allowed 98 density" does not include the density of any building that met 99 the requirements of this subsection or the density of any building that has received any bonus, variance, or other special 100 101 exception for density provided in the county's land development regulations as an incentive for development. 102

103 (c) A county may not restrict the floor area ratio of a 104 proposed development authorized under this subsection below 150 105 percent of the highest currently allowed, or allowed on July 1, 106 2023, floor area ratio on any unincorporated land in the county 107 where development is allowed under the county's land development 108 regulations. For purposes of this paragraph, the term "highest 109 currently allowed floor area ratio" does not include the floor 110 area ratio of any building that met the requirements of this 111 subsection or the floor area ratio of any building that has received any bonus, variance, or other special exception for 112 113 floor area ratio provided in the county's land development regulations as an incentive for development. For purposes of 114 115 this subsection, the term "floor area ratio" includes floor lot 116 ratio.

Page 4 of 23

595-03360-25

20251730c2

117 (d)1. A county may not restrict the height of a proposed 118 development authorized under this subsection below the highest currently allowed, or allowed on July 1, 2023, height for a 119 120 commercial or residential building located in its jurisdiction 121 within 1 mile of the proposed development or 3 stories, 122 whichever is higher. For purposes of this paragraph, the term 123 "highest currently allowed height" does not include the height 124 of any building that met the requirements of this subsection or the height of any building that has received any bonus, 125 126 variance, or other special exception for height provided in the 127 county's land development regulations as an incentive for 128 development.

129 2. If the proposed development is adjacent to, on two or more sides, a parcel zoned for single-family residential use 130 131 which is within a single-family residential development with at 132 least 25 contiguous single-family homes, the county may restrict 133 the height of the proposed development to 150 percent of the 134 tallest building on any property adjacent to the proposed 135 development, the highest currently allowed, or allowed on July 136 1, 2023, height for the property provided in the county's land 137 development regulations, or 3 stories, whichever is higher, but 138 not to exceed 10 stories. For the purposes of this paragraph, the term "adjacent to" means those properties sharing more than 139 140 one point of a property line, but does not include properties 141 separated by a public road.

(e) A proposed development authorized under this subsection
must be administratively approved <u>without</u> and no further action
by the board of county commissioners <u>or any quasi-judicial or</u>
administrative board or reviewing body is required if the

Page 5 of 23

595-03360-25 20251730c2 146 development satisfies the county's land development regulations 147 for multifamily developments in areas zoned for such use and is 148 otherwise consistent with the comprehensive plan, with the 149 exception of provisions establishing allowable densities, floor 150 area ratios, height, and land use. Such land development 151 regulations include, but are not limited to, regulations 152 relating to setbacks and parking requirements. A proposed 153 development located within one-quarter mile of a military 154 installation identified in s. 163.3175(2) may not be 155 administratively approved. Each county shall maintain on its 156 website a policy containing procedures and expectations for 157 administrative approval pursuant to this subsection. For the 158 purposes of this paragraph, the term "allowable density" means 159 the density prescribed for the property without additional requirements to procure and transfer density units or 160 161 development units from other properties.

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

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

169 2. A county must reduce parking requirements by at least 20 170 percent for a proposed development authorized under this 171 subsection if the development:

b.a. Is located within one-half mile of a major
transportation hub that is accessible from the proposed
development by safe, pedestrian-friendly means, such as

Page 6 of 23

	595-03360-25 20251730c2
175	sidewalks, crosswalks, elevated pedestrian or bike paths, or
176	other multimodal design features; <u>or</u> and
177	<u>c.</u> b. Has available parking within 600 feet of the proposed
178	development which may consist of options such as on-street
179	parking, parking lots, or parking garages available for use by
180	residents of the proposed development. However, a county may not
181	require that the available parking compensate for the reduction
182	in parking requirements.
183	2.3. A county must eliminate parking requirements for a
184	proposed mixed-use residential development authorized under this
185	subsection within an area recognized by the county as a transit-
186	oriented development or area, as provided in paragraph (h).
187	3.4. For purposes of this paragraph, the term "major
188	transportation hub" means any transit station, whether bus,
189	train, or light rail, which is served by public transit with a
190	mix of other transportation options.
191	(k) Notwithstanding any other law or local ordinance or
192	regulation to the contrary, a county may allow an adjacent
193	parcel of land to be included within a proposed multifamily
194	development authorized under this subsection.
195	(1) This subsection does not apply to:
196	1. Airport-impacted areas as provided in s. 333.03.
197	2. Property defined as recreational and commercial working
198	waterfront in s. 342.201(2)(b) in any area zoned as industrial.
199	3. The Wekiva Study Area, as described in s. 369.316.
200	4. The Everglades Protection Area, as defined in s.
201	373.4592(2).
202	(m) The court shall give any civil action filed against a
203	county for a violation of this subsection priority over other
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Page 7 of 23

	595-03360-25 20251730c2
204	pending cases and render a preliminary or final decision as
205	expeditiously as possible.
206	(n) If a civil action is filed against a county for a
207	violation of this subsection, the court must assess and award
208	reasonable attorney fees and costs to the prevailing party. An
209	award of reasonable attorney fees or costs pursuant to this
210	subsection may not exceed \$200,000. In addition, a prevailing
211	party may not recover any attorney fees or costs directly
212	incurred by or associated with litigation to determine an award
213	of reasonable attorney fees or costs.
214	(o) As used in this subsection, the term:
215	1. "Commercial use" means activities associated with the
216	sale, rental, or distribution of products or the performance of
217	services related thereto. The term includes, but is not limited
218	to, such uses or activities as retail sales; wholesale sales;
219	rentals of equipment, goods, or products; offices; restaurants;
220	public lodging establishments as described in s. 509.242(1)(a);
221	food service vendors; sports arenas; theaters; tourist
222	attractions; and other for-profit business activities. A parcel
223	zoned to permit such uses by right without the requirement to
224	obtain a variance or waiver is considered commercial use for the
225	purposes of this section, irrespective of the local land
226	development regulation's listed category or title. The term does
227	not include home-based businesses or cottage food operations
228	undertaken on residential property, public lodging
229	establishments as described in s. 509.242(1)(c), or uses that
230	are accessory, ancillary, incidental to the allowable uses, or
231	allowed only on a temporary basis. Recreational uses, such as
232	golf courses, tennis courts, swimming pools, and clubhouses,

Page 8 of 23

	595-03360-25 20251730c2
233	within an area designated for residential use are not commercial
234	use, irrespective of the manner in which they are operated.
235	2. "Industrial use" means activities associated with the
236	manufacture, assembly, processing, or storage of products or the
237	performance of services related thereto. The term includes, but
238	is not limited to, such uses or activities as automobile
239	manufacturing or repair, boat manufacturing or repair, junk
240	yards, meat packing facilities, citrus processing and packing
241	facilities, produce processing and packing facilities,
242	electrical generating plants, water treatment plants, sewage
243	treatment plants, and solid waste disposal sites. A parcel zoned
244	to permit such uses by right without the requirement to obtain a
245	variance or waiver is considered industrial use for the purposes
246	of this section, irrespective of the local land development
247	regulation's listed category or title. The term does not include
248	uses that are accessory, ancillary, incidental to the allowable
249	uses, or allowed only on a temporary basis. Recreational uses,
250	such as golf courses, tennis courts, swimming pools, and
251	clubhouses, within an area designated for residential use are
252	not industrial use, irrespective of the manner in which they are
253	operated.
254	3. "Mixed use" means any use that combines multiple types
255	of approved land uses from at least two of the residential use,
256	commercial use, and industrial use categories. The term does not
257	include uses that are accessory, ancillary, incidental to the
258	allowable uses, or allowed only on a temporary basis.
259	Recreational uses, such as golf courses, tennis courts, swimming
260	pools, and clubhouses, within an area designated for residential
261	use are not mixed use, irrespective of the manner in which they
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Page 9 of 23

	595-03360-25 20251730c2
262	are operated.
263	4. "Planned unit development" has the same meaning as
264	provided in s. 163.3202(5)(b).
265	(9)(a) Except as provided in paragraphs (b) and (d), a
266	county may not enforce a building moratorium that has the effect
267	of delaying the permitting or construction of a multifamily
268	residential or mixed-use residential development authorized
269	under subsection (7).
270	(b) A county may, by ordinance, impose or enforce such a
271	building moratorium for no more than 90 days in any 3-year
272	period. Before adoption of such a building moratorium, the
273	county shall prepare or cause to be prepared an assessment of
274	the county's need for affordable housing at the extremely-low-
275	income, very-low-income, low-income, or moderate-income limits
276	specified in s. 420.0004, including projections of such need for
277	the next 5 years. This assessment must be posted on the county's
278	website by the date the notice of proposed enactment is
279	published, and presented at the same public meeting at which the
280	proposed ordinance imposing the building moratorium is adopted
281	by the board of county commissioners. This assessment must be
282	included in the business impact estimate for the ordinance
283	imposing such a moratorium required by s. 125.66(3).
284	(c) If a civil action is filed against a county for a
285	violation of this subsection, the court must assess and award
286	reasonable attorney fees and costs to the prevailing party. An
287	award of reasonable attorney fees or costs pursuant to this
288	subsection may not exceed \$200,000. In addition, a prevailing
289	party may not recover any attorney fees or costs directly
290	incurred by or associated with litigation to determine an award

Page 10 of 23

595-03360-25 20251730c2 291 of reasonable attorney fees or costs. 292 (d) This subsection does not apply to moratoria imposed or 293 enforced to address stormwater or flood water management, to 294 address the supply of potable water, or due to the necessary 295 repair of sanitary sewer systems, if such moratoria apply 296 equally to all types of multifamily or mixed-use residential 297 development. 298 Section 2. Present paragraph (1) of subsection (7) of 299 section 166.04151, Florida Statutes, is redesignated as 300 paragraph (p), a new paragraph (l) and paragraphs (m), (n), and 301 (o) are added to that subsection, subsection (9) is added to 302 that section, and paragraphs (a) through (f) and (k) of 303 subsection (7) of that section are amended, to read: 304 166.04151 Affordable housing.-305 (7) (a) A municipality must authorize multifamily and mixed-306 use residential as allowable uses in any area zoned for 307 commercial, industrial, or mixed use, and in portions of any 308 flexibly zoned area such as a planned unit development permitted 309 for commercial, industrial, or mixed use, if at least 40 percent 310 of the residential units in a proposed multifamily development 311 are rental units that, for a period of at least 30 years, are 312 affordable as defined in s. 420.0004. Notwithstanding any other 313 law, local ordinance, or regulation to the contrary, a 314 municipality may not require a proposed multifamily development 315 to obtain a zoning or land use change, special exception, conditional use approval, variance, transfer of density or 316 317 development units, amendment to a development of regional 318 impact, or comprehensive plan amendment for the building height, zoning, and densities authorized under this subsection. For 319

Page 11 of 23

595-03360-2520251730c2320mixed-use residential projects, at least 65 percent of the total321square footage must be used for residential purposes. The322municipality may not require that more than 10 percent of the323total square footage of such mixed-use residential projects be324used for nonresidential purposes.

325 (b) A municipality may not restrict the density of a 326 proposed development authorized under this subsection below the 327 highest currently allowed, or allowed on July 1, 2023, density 328 on any land in the municipality where residential development is 329 allowed under the municipality's land development regulations. 330 For purposes of this paragraph, the term "highest currently 331 allowed density" does not include the density of any building 332 that met the requirements of this subsection or the density of 333 any building that has received any bonus, variance, or other 334 special exception for density provided in the municipality's 335 land development regulations as an incentive for development.

336 (c) A municipality may not restrict the floor area ratio of 337 a proposed development authorized under this subsection below 338 150 percent of the highest currently allowed, or allowed on July 339 1, 2023, floor area ratio on any land in the municipality where 340 development is allowed under the municipality's land development 341 regulations. For purposes of this paragraph, the term "highest 342 currently allowed floor area ratio" does not include the floor 343 area ratio of any building that met the requirements of this subsection or the floor area ratio of any building that has 344 345 received any bonus, variance, or other special exception for 346 floor area ratio provided in the municipality's land development 347 regulations as an incentive for development. For purposes of 348 this subsection, the term "floor area ratio" includes floor lot

Page 12 of 23

595-03360-25

20251730c2

349 ratio.

350 (d)1. A municipality may not restrict the height of a 351 proposed development authorized under this subsection below the 352 highest currently allowed, or allowed on July 1, 2023, height 353 for a commercial or residential building located in its 354 jurisdiction within 1 mile of the proposed development or 3 355 stories, whichever is higher. For purposes of this paragraph, the term "highest currently allowed height" does not include the 356 357 height of any building that met the requirements of this 358 subsection or the height of any building that has received any 359 bonus, variance, or other special exception for height provided 360 in the municipality's land development regulations as an 361 incentive for development.

362 2. If the proposed development is adjacent to, on two or 363 more sides, a parcel zoned for single-family residential use 364 that is within a single-family residential development with at 365 least 25 contiguous single-family homes, the municipality may 366 restrict the height of the proposed development to 150 percent 367 of the tallest building on any property adjacent to the proposed 368 development, the highest currently allowed, or allowed on July 369 1, 2023, height for the property provided in the municipality's 370 land development regulations, or 3 stories, whichever is higher, 371 not to exceed 10 stories. For the purposes of this paragraph, the term "adjacent to" means those properties sharing more than 372 373 one point of a property line, but does not include properties 374 separated by a public road or body of water, including man-made 375 lakes or ponds. For a proposed development located within a 376 municipality within an area of critical state concern as 377 designated by s. 380.0552 or chapter 28-36, Florida

Page 13 of 23

	595-03360-25 20251730c2
378	Administrative Code, the term "story" includes only the
379	habitable space above the base flood elevation as designated by
380	the Federal Emergency Management Agency in the most current
381	Flood Insurance Rate Map. A story may not exceed 10 feet in
382	height measured from finished floor to finished floor, including
383	space for mechanical equipment. The highest story may not exceed
384	10 feet from finished floor to the top plate.
385	(e) A proposed development authorized under this subsection
386	must be administratively approved <u>without</u> and no further action
387	by the governing body of the municipality or any quasi-judicial
388	or administrative board or reviewing body is required if the
389	development satisfies the municipality's land development
390	regulations for multifamily developments in areas zoned for such
391	use and is otherwise consistent with the comprehensive plan,
392	with the exception of provisions establishing allowable
393	densities, floor area ratios, height, and land use. Such land
394	development regulations include, but are not limited to,
395	regulations relating to setbacks and parking requirements. A
396	proposed development located within one-quarter mile of a
397	military installation identified in s. 163.3175(2) may not be
398	administratively approved. Each municipality shall maintain on
399	its website a policy containing procedures and expectations for
400	administrative approval pursuant to this subsection. <u>For the</u>
401	purposes of this paragraph, the term "allowable density" means
402	the density prescribed for the property without additional
403	requirements to procure and transfer density units or
404	development units from other properties.
405	(f)1. A municipality must, upon request of an applicant,
406	reduce consider reducing parking requirements for a proposed

Page 14 of 23

595-03360-25 20251730c2 407 development authorized under this subsection by 20 percent if 408 the development: 409 a. Is located within one-quarter mile of a transit stop, as 410 defined in the municipality's land development code, and the 411 transit stop is accessible from the development; -412 2. A municipality must reduce parking requirements by at 413 least 20 percent for a proposed development authorized under 414 this subsection if the development: 415 b.a. Is located within one-half mile of a major 416 transportation hub that is accessible from the proposed 417 development by safe, pedestrian-friendly means, such as 418 sidewalks, crosswalks, elevated pedestrian or bike paths, or 419 other multimodal design features; or-420 c.b. Has available parking within 600 feet of the proposed development which may consist of options such as on-street 421 422 parking, parking lots, or parking garages available for use by 423 residents of the proposed development. However, a municipality 424 may not require that the available parking compensate for the 425 reduction in parking requirements. 426 2.3. A municipality must eliminate parking requirements for 427 a proposed mixed-use residential development authorized under 428 this subsection within an area recognized by the municipality as 429 a transit-oriented development or area, as provided in paragraph (h). 430

431 <u>3.4.</u> For purposes of this paragraph, the term "major
432 transportation hub" means any transit station, whether bus,
433 train, or light rail, which is served by public transit with a
434 mix of other transportation options.

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(k) Notwithstanding any other law or local ordinance or

Page 15 of 23

	595-03360-25 20251730c2
436	regulation to the contrary, a municipality may allow an adjacent
437	parcel of land to be included within a proposed multifamily
438	development authorized under this subsection.
439	(1) This subsection does not apply to:
440	1. Airport-impacted areas as provided in s. 333.03.
441	2. Property defined as recreational and commercial working
442	waterfront in s. 342.201(2)(b) in any area zoned as industrial.
443	3. The Wekiva Study Area, as described in s. 369.316.
444	4. The Everglades Protection Area, as defined in s.
445	373.4592(2).
446	(m) The court shall give any civil action filed against a
447	municipality for a violation of this subsection priority over
448	other pending cases and render a preliminary or final decision
449	as expeditiously as possible.
450	(n) If a civil action is filed against a municipality for a
451	violation of this subsection, the court must assess and award
452	reasonable attorney fees and costs to the prevailing party. An
453	award of reasonable attorney fees or costs pursuant to this
454	subsection may not exceed \$200,000. In addition, a prevailing
455	party may not recover any attorney fees or costs directly
456	incurred by or associated with litigation to determine an award
457	of reasonable attorney fees or costs.
458	(o) As used in this subsection, the term:
459	1. "Commercial use" means activities associated with the
460	sale, rental, or distribution of products or the performance of
461	services related thereto. The term includes, but is not limited
462	to, such uses or activities as retail sales; wholesale sales;
463	rentals of equipment, goods, or products; offices; restaurants;
464	public lodging establishments as described in s. 509.242(1)(a);

Page 16 of 23

	595-03360-25 20251730c2
465	food service vendors; sports arenas; theaters; tourist
466	attractions; and other for-profit business activities. A parcel
467	zoned to permit such uses by right without the requirement to
468	obtain a variance or waiver is considered commercial use for the
469	purposes of this section, irrespective of the local land
470	development regulation's listed category or title. The term does
471	not include home-based businesses or cottage food operations
472	undertaken on residential property, public lodging
473	establishments as described in s. 509.242(1)(c), or uses that
474	are accessory, ancillary, incidental to the allowable uses, or
475	allowed only on a temporary basis. Recreational uses, such as
476	golf courses, tennis courts, swimming pools, and clubhouses,
477	within an area designated for residential use are not commercial
478	use, irrespective of the manner in which they are operated.
479	2. "Industrial use" means activities associated with the
480	manufacture, assembly, processing, or storage of products or the
481	performance of services related thereto. The term includes, but
482	is not limited to, such uses or activities as automobile
483	manufacturing or repair, boat manufacturing or repair, junk
484	yards, meat packing facilities, citrus processing and packing
485	facilities, produce processing and packing facilities,
486	electrical generating plants, water treatment plants, sewage
487	treatment plants, and solid waste disposal sites. A parcel zoned
488	to permit such uses by right without the requirement to obtain a
489	variance or waiver is considered industrial use for the purposes
490	of this section, irrespective of the local land development
491	regulation's listed category or title. The term does not include
492	uses that are accessory, ancillary, incidental to the allowable
493	uses, or allowed only on a temporary basis. Recreational uses,

Page 17 of 23

_	595-03360-25 20251730c2
494	such as golf courses, tennis courts, swimming pools, and
495	clubhouses, within an area designated for residential use are
496	not industrial, irrespective of the manner in which they are
497	operated.
498	3. "Mixed-use" means any use that combines multiple types
499	of approved land uses from at least two of the residential use,
500	commercial use, and industrial use categories. The term does not
501	include uses that are accessory, ancillary, incidental to the
502	allowable uses, or allowed only on a temporary basis.
503	Recreational uses, such as golf courses, tennis courts, swimming
504	pools, and clubhouses, within an area designated for residential
505	use are not mixed use, irrespective of the manner in which they
506	are operated.
507	4. "Planned unit development" has the same meaning as
508	provided in s. 163.3202(5)(b).
509	(9)(a) Except as provided in paragraphs (b) and (d), a
510	municipality may not enforce a building moratorium that has the
511	effect of delaying the permitting or construction of a
512	multifamily residential or mixed-use residential development
513	authorized under subsection (7).
514	(b) A municipality may, by ordinance, impose or enforce
515	such a building moratorium for no more than 90 days in any 3-
516	year period. Before adoption of such a building moratorium, the
517	municipality shall prepare or cause to be prepared an assessment
518	of the municipality's need for affordable housing at the
519	extremely-low-income, very-low-income, low-income, or moderate-
520	income limits specified in s. 420.0004, including projections of
521	such need for the next 5 years. This assessment must be posted
522	on the municipality's website by the date the notice of proposed

Page 18 of 23

	595-03360-25 20251730c2
523	enactment is published and must be presented at the same public
524	meeting at which the proposed ordinance imposing the building
525	moratorium is adopted by the governing body of the municipality.
526	This assessment must be included in the business impact estimate
527	for the ordinance imposing such a moratorium required by s.
528	166.041(4).
529	(c) If a civil action is filed against a municipality for a
530	violation of this subsection, the court must assess and award
531	reasonable attorney fees and costs to the prevailing party. An
532	award of reasonable attorney fees or costs pursuant to this
533	subsection may not exceed \$200,000. In addition, a prevailing
534	party may not recover any attorney fees or costs directly
535	incurred by or associated with litigation to determine an award
536	of reasonable attorney fees or costs.
537	(d) This subsection does not apply to moratoria imposed or
538	enforced to address stormwater or flood water management, to
539	address the supply of potable water, or due to the necessary
540	repair of sanitary sewer systems, if such moratoria apply
541	equally to all types of multifamily or mixed-use residential
542	development.
543	Section 3. An applicant for a proposed development
544	authorized under s. 125.01055(7), Florida Statutes, or s.
545	166.04151(7), Florida Statutes, who submitted an application,
546	written request, or notice of intent to use such provisions to
547	the county or municipality and which application, written
548	request, or notice of intent has been received by the county or
549	municipality, as applicable, before July 1, 2025, may notify the
550	county or municipality by July 1, 2025, of its intent to proceed
551	under the provisions of s. 125.01055(7), Florida Statutes, or s.

Page 19 of 23

595-03360-25 20251730c2 552 166.04151(7), Florida Statutes, as they existed at the time of 553 submittal. A county or municipality, as applicable, shall allow 554 an applicant who submitted such application, written request, or 555 notice of intent before July 1, 2025, the opportunity to submit 556 a revised application, written request, or notice of intent to 557 account for the changes made by this act. 558 Section 4. Paragraph (a) of subsection (9) of section 559 380.0552, Florida Statutes, is amended to read: 560 380.0552 Florida Keys Area; protection and designation as 561 area of critical state concern.-562 (9) MODIFICATION TO PLANS AND REGULATIONS.-563 (a) Any land development regulation or element of a local 564 comprehensive plan in the Florida Keys Area may be enacted, 565 amended, or rescinded by a local government, but the enactment, 566 amendment, or rescission becomes effective only upon approval by 567 the state land planning agency. The state land planning agency 568 shall review the proposed change to determine if it is in 569 compliance with the principles for guiding development specified 570 in chapter 27F-8, Florida Administrative Code, as amended effective August 23, 1984, and must approve or reject the 571 572 requested changes within 60 days after receipt. Amendments to 573 local comprehensive plans in the Florida Keys Area must also be 574 reviewed for compliance with the following: 575 1. Construction schedules and detailed capital financing 576

576 plans for wastewater management improvements in the annually 577 adopted capital improvements element, and standards for the 578 construction of wastewater treatment and disposal facilities or 579 collection systems that meet or exceed the criteria in s. 580 403.086(11) for wastewater treatment and disposal facilities or

Page 20 of 23

	595-03360-25 20251730c2
581	s. 381.0065(4)(1) for onsite sewage treatment and disposal
582	systems.
583	2. Goals, objectives, and policies to protect public safety
584	and welfare in the event of a natural disaster by maintaining a
585	hurricane evacuation clearance time for permanent residents of
586	no more than 26 24 hours. The hurricane evacuation clearance
587	time shall be determined by a hurricane evacuation study
588	conducted in accordance with a professionally accepted
589	methodology and approved by the state land planning agency. For
590	purposes of hurricane evacuation clearance time:
591	a. Mobile home residents are not considered permanent
592	residents.
593	b. The City of Key West Area of Critical State Concern
594	established by chapter 28-36, Florida Administrative Code, shall
595	be included in the hurricane evacuation study and is subject to
596	the evacuation requirements of this subsection.
597	Section 5. It is the intent of the Legislature that the
598	amendment made by this act to s. 380.0552, Florida Statutes,
599	will accommodate the building of additional developments within
600	the Florida Keys to ameliorate the acute affordable housing and
601	building permit allocation shortage. The Legislature also
602	intends that local governments subject to the hurricane
603	evacuation clearance time restrictions on residential buildings
604	manage growth with a heightened focus on long-term stability and
605	affordable housing for the local workforce.
606	Section 6. Section 420.5098, Florida Statutes, is created
607	to read:
608	420.5098 Public sector and hospital employer-sponsored
609	housing policy

Page 21 of 23

	595-03360-25 20251730c2
610	(1) The Legislature finds that it is in the best interests
611	of the state and the state's economy to provide affordable
612	housing to state residents employed by hospitals, health care
613	facilities, and governmental entities in order to attract and
614	maintain the highest quality labor by incentivizing such
615	employers to sponsor affordable housing opportunities. Section
616	42(g)(9)(B) of the Internal Revenue Code provides that a
617	qualified low-income housing project does not fail to meet the
618	general public use requirement solely because of occupancy
619	restrictions or preferences that favor tenants who are members
620	of a specified group under a state program or policy that
621	supports housing for such specified group. Therefore, it is the
622	intent of the Legislature to establish a policy that supports
623	the development of affordable workforce housing for employees of
624	hospitals, health care facilities, and governmental entities.
625	(2) For purposes of this section, the term:
626	(a) "Governmental entity" means any state, regional,
627	county, local, or municipal governmental entity of this state,
628	whether executive, judicial, or legislative; any department,
629	division, bureau, commission, authority, or political
630	subdivision of the state; any public school, state university,
631	or Florida College System institution; or any special district
632	as defined in s. 189.012.
633	(b) "Health care facility" has the same meaning as provided
634	in s. 159.27(16).
635	(c) "Hospital" means a hospital under chapter 155, a
636	hospital district created pursuant to chapter 189, or a hospital
637	licensed pursuant to chapter 395, including corporations not for
638	profit that are qualified as charitable under s. 501(c)(3) of

Page 22 of 23

	595-03360-25 20251730c2
639	the Internal Revenue Code and for-profit entities.
640	(3) It is the policy of the state to support housing for
641	employees of hospitals, health care facilities, and governmental
642	entities and to allow developers in receipt of federal low-
643	income housing tax credits allocated pursuant to s. 420.5099,
644	local or state funds, or other sources of funding available to
645	finance the development of affordable housing to create a
646	preference for housing for such employees. Such preference must
647	conform to the requirements of s. 42(g)(9) of the Internal
648	Revenue Code.
649	Section 7. Section 760.26, Florida Statutes, is amended to
650	read:
651	760.26 Prohibited discrimination in land use decisions and
652	in permitting of developmentIt is unlawful to discriminate in
653	land use decisions or in the permitting of development based on
654	race, color, national origin, sex, disability, familial status,
655	religion, or, except as otherwise provided by law, the source of
656	financing of a development or proposed development <u>or the nature</u>
657	of a development or proposed development as affordable housing.
658	Section 8. This act shall take effect July 1, 2025.

Page 23 of 23