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A bill to be entitled  
An act relating to affordable housing; amending ss.  
125.01055 and 166.04151, F.S.; revising applicability;  
requiring counties and municipalities, respectively,  
to authorize multifamily and mixed-use residential as  
allowable uses in portions of flexibly zoned areas  
under certain circumstances; prohibiting counties and  
municipalities from imposing certain requirements on  
proposed multifamily developments; prohibiting  
counties and municipalities from requiring that more  
than a specified percentage of a mixed-use residential  
project be used for certain purposes; revising the  
density, floor area ratio, or height below which  
counties and municipalities may not restrict certain  
developments; defining the term "story" for a proposed  
development located within a municipality within a  
certain area of critical state concern; requiring the  
administrative approval of certain proposed  
developments without further action by a quasi-  
judicial or administrative board or reviewing body  
under certain circumstances; requiring counties and  
municipalities to reduce parking requirements by a  
specified percentage for certain proposed developments  
under certain circumstances; requiring counties and  
municipalities to allow adjacent parcels of land to be  
included within certain proposed developments;  
requiring a court to give priority to and render  
expeditious decisions in certain civil actions;  
requiring a court to award reasonable attorney fees

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and costs to a prevailing party in certain civil actions; providing that such attorney fees or costs may not exceed a specified dollar amount; prohibiting the prevailing party from recovering certain other fees or costs; defining terms; authorizing the use of a specified approval process for a proposed development on a parcel of land primarily developed and maintained for specified facilities; authorizing counties and municipalities to restrict the height of such proposed developments under certain circumstances; prohibiting counties and municipalities from imposing certain building moratoriums; providing an exception, subject to certain requirements; providing applicability; authorizing applicants for certain proposed developments to notify the county or municipality, as applicable, by a specified date of its intent to proceed under certain provisions; requiring counties and municipalities to allow certain applicants to submit revised applications, written requests, and notices of intent to account for changes made by the act; amending s. 380.0552, F.S.; revising the maximum hurricane evacuation clearance time for permanent residents, which time is an element for which amendments to local comprehensive plans in the Florida Keys Area must be reviewed for compliance; providing legislative intent; creating s. 420.5098, F.S.; providing legislative findings and intent; defining terms; providing that it is the policy of the state to support housing for certain employees and to

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59 permit developers in receipt of certain tax credits  
60 and funds to create a specified preference for housing  
61 certain employees; requiring that such preference  
62 conform to certain requirements; amending s. 760.26,  
63 F.S.; providing that it is unlawful to discriminate in  
64 land use decisions or in the permitting of development  
65 based on the specified nature of a development or  
66 proposed development; providing effective dates.

67  
68 Be It Enacted by the Legislature of the State of Florida:

69  
70 Section 1. Effective upon becoming a law, paragraph (k) of  
71 subsection (7) of section 125.01055, Florida Statutes, is  
72 amended to read:

73 125.01055 Affordable housing.—

74 (7)

75 (k) This subsection does not apply to:

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

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

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

80 4. The Everglades Protection Area, as defined in s.  
81 373.4592(2).

82 Section 2. Present paragraphs (k) and (l) of subsection (7)  
83 of section 125.01055, Florida Statutes, as amended by this act,  
84 are redesignated as paragraphs (l) and (p), respectively,  
85 present subsection (8) of that section is redesignated as  
86 subsection (9), a new paragraph (k) and paragraphs (m), (n), and  
87 (o) are added to subsection (7) of that section, a new

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subsection (8) and subsection (10) are added to that section, and paragraphs (a) through (f) of subsection (7) of that section are amended, to read:

125.01055 Affordable housing.—

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

(b) A county may not restrict the density of a proposed development authorized under this subsection below the highest currently allowed, or allowed on July 1, 2023, density on any unincorporated land in the county where residential development is allowed under the county's land development regulations. For

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purposes of this paragraph, the term "highest currently allowed density" does not include the density of any building that met the requirements of this subsection or the density of any building that has received any bonus, variance, or other special exception for density provided in the county's land development regulations as an incentive for development.

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

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

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146 variance, or other special exception for height provided in the  
147 county's land development regulations as an incentive for  
148 development.

149 2. If the proposed development is adjacent to, on two or  
150 more sides, a parcel zoned for single-family residential use  
151 which is within a single-family residential development with at  
152 least 25 contiguous single-family homes, the county may restrict  
153 the height of the proposed development to 150 percent of the  
154 tallest building on any property adjacent to the proposed  
155 development, the highest currently allowed, or allowed on July  
156 1, 2023, height for the property provided in the county's land  
157 development regulations, or 3 stories, whichever is higher, but  
158 not to exceed 10 stories. For the purposes of this paragraph,  
159 the term "adjacent to" means those properties sharing more than  
160 one point of a property line, but does not include properties  
161 separated by a public road.

162 (e) A proposed development authorized under this subsection  
163 must be administratively approved without ~~and no~~ further action  
164 by the board of county commissioners or any quasi-judicial or  
165 administrative board or reviewing body ~~is required~~ if the  
166 development satisfies the county's land development regulations  
167 for multifamily developments in areas zoned for such use and is  
168 otherwise consistent with the comprehensive plan, with the  
169 exception of provisions establishing allowable densities, floor  
170 area ratios, height, and land use. Such land development  
171 regulations include, but are not limited to, regulations  
172 relating to setbacks and parking requirements. A proposed  
173 development located within one-quarter mile of a military  
174 installation identified in s. 163.3175(2) may not be

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175 administratively approved. Each county shall maintain on its  
176 website a policy containing procedures and expectations for  
177 administrative approval pursuant to this subsection. For the  
178 purposes of this paragraph, the term "allowable density" means  
179 the density prescribed for the property without additional  
180 requirements to procure and transfer density units or  
181 development units from other properties.

182 (f)1. A county must, upon request of an applicant, reduce  
183 ~~consider reducing~~ parking requirements by 10 percent for a  
184 proposed development authorized under this subsection if the  
185 development:

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

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

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

197 ~~c.b.~~ Has available parking within 600 feet of the proposed  
198 development which may consist of options such as on-street  
199 parking, parking lots, or parking garages available for use by  
200 residents of the proposed development. However, a county may not  
201 require that the available parking compensate for the reduction  
202 in parking requirements.

203 ~~2.3.~~ A county must eliminate parking requirements for a

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204 proposed mixed-use residential development authorized under this  
205 subsection within an area recognized by the county as a transit-  
206 oriented development or area, as provided in paragraph (h).

207 ~~3.4.~~ For purposes of this paragraph, the term "major  
208 transportation hub" means any transit station, whether bus,  
209 train, or light rail, which is served by public transit with a  
210 mix of other transportation options.

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

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

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

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

228 1. "Commercial use" means activities associated with the  
229 sale, rental, or distribution of products or the performance of  
230 services related thereto. The term includes, but is not limited  
231 to, such uses or activities as retail sales; wholesale sales;  
232 rentals of equipment, goods, or products; offices; restaurants;



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public lodging establishments as described in s. 509.242(1)(a); food service vendors; sports arenas; theaters; tourist attractions; and other for-profit business activities. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered commercial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include home-based businesses or cottage food operations undertaken on residential property, public lodging establishments as described in s. 509.242(1)(c), or uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis.

2. "Industrial use" means activities associated with the manufacture, assembly, processing, or storage of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as automobile manufacturing or repair, boat manufacturing or repair, junk yards, meat packing facilities, citrus processing and packing facilities, produce processing and packing facilities, electrical generating plants, water treatment plants, sewage treatment plants, and solid waste disposal sites. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered industrial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis.

3. "Mixed use" means any use that combines multiple types of approved land uses from at least two of the residential use,

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commercial use, and industrial use categories. The term does not include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis.

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

(8)(a) A proposed development on a parcel of land primarily developed and maintained as a golf course, a tennis court, or a swimming pool, regardless of the zoning category assigned to such parcel, may use the approval process provided in subsection (7).

(b) If the proposed development is on a parcel that is adjacent to, on two or more sides, a parcel zoned for single-family residential use, the county may restrict the height of the proposed development to 150 percent of the tallest residential building on any property adjacent to the proposed development, the highest currently allowed, or allowed on July 1, 2023, height for the property provided in the county's land development regulations, or 3 stories, whichever is higher. For the purposes of this paragraph, the term "adjacent to" means those properties sharing more than one point of a property line, but does not include properties separated by a public road or body of water, including manmade lakes or ponds.

(10)(a) Except as provided in paragraphs (b) and (d), a county may not enforce a building moratorium that has the effect of delaying the permitting or construction of a multifamily residential or mixed-use residential development authorized under subsection (7).

(b) A county may, by ordinance, impose or enforce such a building moratorium for no more than 90 days in any 3-year

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291 period. Before adoption of such a building moratorium, the  
292 county shall prepare or cause to be prepared an assessment of  
293 the county's need for affordable housing at the extremely-low-  
294 income, very-low-income, low-income, or moderate-income limits  
295 specified in s. 420.0004, including projections of such need for  
296 the next 5 years. This assessment must be posted on the county's  
297 website by the date the notice of proposed enactment is  
298 published, and presented at the same public meeting at which the  
299 proposed ordinance imposing the building moratorium is adopted  
300 by the board of county commissioners. This assessment must be  
301 included in the business impact estimate for the ordinance  
302 imposing such a moratorium required by s. 125.66(3).

303 (c) If a civil action is filed against a county for a  
304 violation of this subsection, the court must assess and award  
305 reasonable attorney fees and costs to the prevailing party. An  
306 award of reasonable attorney fees or costs pursuant to this  
307 subsection may not exceed \$200,000. In addition, a prevailing  
308 party may not recover any attorney fees or costs directly  
309 incurred by or associated with litigation to determine an award  
310 of reasonable attorney fees or costs.

311 (d) This subsection does not apply to moratoria imposed or  
312 enforced to address stormwater or flood water management, to  
313 address the supply of potable water, or due to the necessary  
314 repair of sanitary sewer systems, if such moratoria apply  
315 equally to all types of multifamily or mixed-use residential  
316 development.

317 Section 3. Effective upon becoming a law, paragraph (k) of  
318 subsection (7) of section 166.04151, Florida Statutes, is  
319 amended to read:

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166.04151 Affordable housing.—

(7)

(k) This subsection does not apply to:

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

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

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

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

Section 4. Present paragraphs (k) and (l) of subsection (7) of section 166.04151, Florida Statutes, as amended by this act, are redesignated as paragraphs (l) and (p), respectively, present subsection (8) of that section is redesignated as subsection (9), a new paragraph (k) and paragraphs (m), (n), and (o) are added to subsection (7) of that section, a new subsection (8) and subsection (10) are added to that section, and paragraphs (a) through (f) of subsection (7) of that section are amended, to read:

166.04151 Affordable housing.—

(7)(a) A municipality must authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use, and in portions of any flexibly zoned area such as a planned unit development permitted for commercial, industrial, or mixed use, if at least 40 percent of the residential units in a proposed multifamily development are rental units that, for a period of at least 30 years, are affordable as defined in s. 420.0004. Notwithstanding any other law, local ordinance, or regulation to the contrary, a municipality may not require a proposed multifamily development

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349 to obtain a zoning or land use change, special exception,  
350 conditional use approval, variance, transfer of density or  
351 development units, amendment to a development of regional  
352 impact, or comprehensive plan amendment for the building height,  
353 zoning, and densities authorized under this subsection. For  
354 mixed-use residential projects, at least 65 percent of the total  
355 square footage must be used for residential purposes. The  
356 municipality may not require that more than 10 percent of the  
357 total square footage of such mixed-use residential projects be  
358 used for nonresidential purposes.

359 (b) A municipality may not restrict the density of a  
360 proposed development authorized under this subsection below the  
361 highest currently allowed, or allowed on July 1, 2023, density  
362 on any land in the municipality where residential development is  
363 allowed under the municipality's land development regulations.  
364 For purposes of this paragraph, the term "highest currently  
365 allowed density" does not include the density of any building  
366 that met the requirements of this subsection or the density of  
367 any building that has received any bonus, variance, or other  
368 special exception for density provided in the municipality's  
369 land development regulations as an incentive for development.

370 (c) A municipality may not restrict the floor area ratio of  
371 a proposed development authorized under this subsection below  
372 150 percent of the highest currently allowed, or allowed on July  
373 1, 2023, floor area ratio on any land in the municipality where  
374 development is allowed under the municipality's land development  
375 regulations. For purposes of this paragraph, the term "highest  
376 currently allowed floor area ratio" does not include the floor  
377 area ratio of any building that met the requirements of this

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subsection or the floor area ratio of any building that has received any bonus, variance, or other special exception for floor area ratio provided in the municipality's land development regulations as an incentive for development. For purposes of this subsection, the term "floor area ratio" includes floor lot ratio.

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

2. If the proposed development is adjacent to, on two or more sides, a parcel zoned for single-family residential use that is within a single-family residential development with at least 25 contiguous single-family homes, the municipality may restrict the height of the proposed development to 150 percent of the tallest building on any property adjacent to the proposed development, the highest currently allowed, or allowed on July 1, 2023, height for the property provided in the municipality's land development regulations, or 3 stories, whichever is higher, not to exceed 10 stories. For the purposes of this paragraph, the term "adjacent to" means those properties sharing more than

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one point of a property line, but does not include properties separated by a public road or body of water, including manmade lakes or ponds. For a proposed development located within a municipality within an area of critical state concern as designated by s. 380.0552 or chapter 28-36, Florida Administrative Code, the term "story" includes only the habitable space above the base flood elevation as designated by the Federal Emergency Management Agency in the most current Flood Insurance Rate Map. A story may not exceed 10 feet in height measured from finished floor to finished floor, including space for mechanical equipment. The highest story may not exceed 10 feet from finished floor to the top plate.

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

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436 the density prescribed for the property without additional  
437 requirements to procure and transfer density units or  
438 development units from other properties.

439 (f)1. A municipality must, upon request of an applicant,  
440 reduce ~~consider reducing~~ parking requirements for a proposed  
441 development authorized under this subsection by 10 percent if  
442 the development:

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

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

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

454 ~~c.b.~~ Has available parking within 600 feet of the proposed  
455 development which may consist of options such as on-street  
456 parking, parking lots, or parking garages available for use by  
457 residents of the proposed development. However, a municipality  
458 may not require that the available parking compensate for the  
459 reduction in parking requirements.

460 ~~2.3.~~ A municipality must eliminate parking requirements for  
461 a proposed mixed-use residential development authorized under  
462 this subsection within an area recognized by the municipality as  
463 a transit-oriented development or area, as provided in paragraph  
464 (h).



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465 ~~3.4.~~ For purposes of this paragraph, the term "major  
466 transportation hub" means any transit station, whether bus,  
467 train, or light rail, which is served by public transit with a  
468 mix of other transportation options.

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

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

477 (n) If a civil action is filed against a municipality for a  
478 violation of this subsection, the court must assess and award  
479 reasonable attorney fees and costs to the prevailing party. An  
480 award of reasonable attorney fees or costs pursuant to this  
481 subsection may not exceed \$200,000. In addition, a prevailing  
482 party may not recover any attorney fees or costs directly  
483 incurred by or associated with litigation to determine an award  
484 of reasonable attorney fees or costs.

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

486 1. "Commercial use" means activities associated with the  
487 sale, rental, or distribution of products or the performance of  
488 services related thereto. The term includes, but is not limited  
489 to, such uses or activities as retail sales; wholesale sales;  
490 rentals of equipment, goods, or products; offices; restaurants;  
491 public lodging establishments as described in s. 509.242(1)(a);  
492 food service vendors; sports arenas; theaters; tourist  
493 attractions; and other for-profit business activities. A parcel

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494 zoned to permit such uses by right without the requirement to  
495 obtain a variance or waiver is considered commercial use for the  
496 purposes of this section, irrespective of the local land  
497 development regulation's listed category or title. The term does  
498 not include home-based businesses or cottage food operations  
499 undertaken on residential property, public lodging  
500 establishments as described in s. 509.242(1)(c), or uses that  
501 are accessory, ancillary, incidental to the allowable uses, or  
502 allowed only on a temporary basis.

503 2. "Industrial use" means activities associated with the  
504 manufacture, assembly, processing, or storage of products or the  
505 performance of services related thereto. The term includes, but  
506 is not limited to, such uses or activities as automobile  
507 manufacturing or repair, boat manufacturing or repair, junk  
508 yards, meat packing facilities, citrus processing and packing  
509 facilities, produce processing and packing facilities,  
510 electrical generating plants, water treatment plants, sewage  
511 treatment plants, and solid waste disposal sites. A parcel zoned  
512 to permit such uses by right without the requirement to obtain a  
513 variance or waiver is considered industrial use for the purposes  
514 of this section, irrespective of the local land development  
515 regulation's listed category or title. The term does not include  
516 uses that are accessory, ancillary, incidental to the allowable  
517 uses, or allowed only on a temporary basis.

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

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

525 (8) (a) A proposed development on a parcel of land primarily  
526 developed and maintained as a golf course, a tennis court, or a  
527 swimming pool, regardless of the zoning category assigned to  
528 such parcel, may use the approval process provided in subsection  
529 (7).

530 (b) If the proposed development is on a parcel that is  
531 adjacent to, on two or more sides, a parcel zoned for single-  
532 family residential use, the municipality may restrict the height  
533 of the proposed development to 150 percent of the tallest  
534 residential building on any property adjacent to the proposed  
535 development, the highest currently allowed, or allowed on July  
536 1, 2023, height for the property provided in the municipality's  
537 land development regulations, or 3 stories, whichever is higher.  
538 For the purposes of this paragraph, the term "adjacent to" means  
539 those properties sharing more than one point of a property line,  
540 but does not include properties separated by a public road or  
541 body of water, including manmade lakes or ponds.

542 (10) (a) Except as provided in paragraphs (b) and (d), a  
543 municipality may not enforce a building moratorium that has the  
544 effect of delaying the permitting or construction of a  
545 multifamily residential or mixed-use residential development  
546 authorized under subsection (7).

547 (b) A municipality may, by ordinance, impose or enforce  
548 such a building moratorium for no more than 90 days in any 3-  
549 year period. Before adoption of such a building moratorium, the  
550 municipality shall prepare or cause to be prepared an assessment  
551 of the municipality's need for affordable housing at the

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552 extremely-low-income, very-low-income, low-income, or moderate-  
553 income limits specified in s. 420.0004, including projections of  
554 such need for the next 5 years. This assessment must be posted  
555 on the municipality's website by the date the notice of proposed  
556 enactment is published and must be presented at the same public  
557 meeting at which the proposed ordinance imposing the building  
558 moratorium is adopted by the governing body of the municipality.  
559 This assessment must be included in the business impact estimate  
560 for the ordinance imposing such a moratorium required by s.  
561 166.041(4).

562 (c) If a civil action is filed against a municipality for a  
563 violation of this subsection, the court must assess and award  
564 reasonable attorney fees and costs to the prevailing party. An  
565 award of reasonable attorney fees or costs pursuant to this  
566 subsection may not exceed \$200,000. In addition, a prevailing  
567 party may not recover any attorney fees or costs directly  
568 incurred by or associated with litigation to determine an award  
569 of reasonable attorney fees or costs.

570 (d) This subsection does not apply to moratoria imposed or  
571 enforced to address stormwater or flood water management, to  
572 address the supply of potable water, or due to the necessary  
573 repair of sanitary sewer systems, if such moratoria apply  
574 equally to all types of multifamily or mixed-use residential  
575 development.

576 Section 5. An applicant for a proposed development  
577 authorized under s. 125.01055(7), Florida Statutes, or s.  
578 166.04151(7), Florida Statutes, who submitted an application, a  
579 written request, or a notice of intent to use such provisions to  
580 the county or municipality and which application, written

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581 request, or notice of intent has been received by the county or  
582 municipality, as applicable, before July 1, 2025, may notify the  
583 county or municipality by July 1, 2025, of its intent to proceed  
584 under the provisions of s. 125.01055(7), Florida Statutes, or s.  
585 166.04151(7), Florida Statutes, as they existed at the time of  
586 submittal. A county or municipality, as applicable, shall allow  
587 an applicant who submitted such application, written request, or  
588 notice of intent before July 1, 2025, the opportunity to submit  
589 a revised application, written request, or notice of intent to  
590 account for the changes made by this act.

591 Section 6. Paragraph (a) of subsection (9) of section  
592 380.0552, Florida Statutes, is amended to read:

593 380.0552 Florida Keys Area; protection and designation as  
594 area of critical state concern.—

595 (9) MODIFICATION TO PLANS AND REGULATIONS.—

596 (a) Any land development regulation or element of a local  
597 comprehensive plan in the Florida Keys Area may be enacted,  
598 amended, or rescinded by a local government, but the enactment,  
599 amendment, or rescission becomes effective only upon approval by  
600 the state land planning agency. The state land planning agency  
601 shall review the proposed change to determine if it is in  
602 compliance with the principles for guiding development specified  
603 in chapter 27F-8, Florida Administrative Code, as amended  
604 effective August 23, 1984, and must approve or reject the  
605 requested changes within 60 days after receipt. Amendments to  
606 local comprehensive plans in the Florida Keys Area must also be  
607 reviewed for compliance with the following:

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

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

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

a. Mobile home residents are not considered permanent residents.

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

Section 7. It is the intent of the Legislature that the amendment made by this act to s. 380.0552, Florida Statutes, will accommodate the building of additional developments within the Florida Keys to ameliorate the acute affordable housing and building permit allocation shortage. The Legislature also intends that local governments subject to the hurricane evacuation clearance time restrictions on residential buildings manage growth with a heightened focus on long-term stability and affordable housing for the local workforce.

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639       Section 8. Section 420.5098, Florida Statutes, is created  
640 to read:

641       420.5098 Public sector and hospital employer-sponsored  
642 housing policy.—

643       (1) The Legislature finds that it is in the best interests  
644 of the state and the state's economy to provide affordable  
645 housing to state residents employed by hospitals, health care  
646 facilities, and governmental entities in order to attract and  
647 maintain the highest quality labor by incentivizing such  
648 employers to sponsor affordable housing opportunities. Section  
649 42(g)(9)(B) of the Internal Revenue Code provides that a  
650 qualified low-income housing project does not fail to meet the  
651 general public use requirement solely because of occupancy  
652 restrictions or preferences that favor tenants who are members  
653 of a specified group under a state program or policy that  
654 supports housing for such specified group. Therefore, it is the  
655 intent of the Legislature to establish a policy that supports  
656 the development of affordable workforce housing for employees of  
657 hospitals, health care facilities, and governmental entities.

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

659       (a) "Governmental entity" means any state, regional,  
660 county, local, or municipal governmental entity of this state,  
661 whether executive, judicial, or legislative; any department,  
662 division, bureau, commission, authority, or political  
663 subdivision of the state; any public school, state university,  
664 or Florida College System institution; or any special district  
665 as defined in s. 189.012.

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

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

673       (3) It is the policy of the state to support housing for  
674 employees of hospitals, health care facilities, and governmental  
675 entities and to allow developers in receipt of federal low-  
676 income housing tax credits allocated pursuant to s. 420.5099,  
677 local or state funds, or other sources of funding available to  
678 finance the development of affordable housing to create a  
679 preference for housing for such employees. Such preference must  
680 conform to the requirements of s. 42(g)(9) of the Internal  
681 Revenue Code.

682       Section 9. Section 760.26, Florida Statutes, is amended to  
683 read:

684       760.26 Prohibited discrimination in land use decisions and  
685 in permitting of development.—It is unlawful to discriminate in  
686 land use decisions or in the permitting of development based on  
687 race, color, national origin, sex, disability, familial status,  
688 religion, or, except as otherwise provided by law, the source of  
689 financing of a development or proposed development or the nature  
690 of a development or proposed development as affordable housing.

691       Section 10. Except as otherwise expressly provided in this  
692 act and except for this section, which shall take effect upon  
693 becoming a law, this act shall take effect July 1, 2025.