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1 A bill to be entitled
2 An act relating to affordable housing; amending ss.
3 125.01055 and 166.04151, F.S.; authorizing the board
4 of county commissioners and the governing board of a
5 municipality, respectively, to approve the development
6 of housing that is affordable, including mixed-use
7 residential, on any parcel owned by religious
8 institutions; requiring counties and municipalities to
9 authorize multifamily and mixed-use residential as
10 allowable uses in portions of flexibly zoned areas
11 under certain circumstances; prohibiting counties and
12 municipalities from imposing certain requirements on
13 proposed multifamily developments; prohibiting
14 counties and municipalities from requiring that more
15 than a specified percentage of a mixed-use residential
16 project be used for certain purposes; revising the
17 density, floor area ratio, or height below which
18 counties and municipalities may not restrict certain
19 developments; defining the term "highest currently
20 allowed, or allowed on July 1, 2023"; revising the
21 definition of the term "floor area ratio"; authorizing
22 counties and municipalities to restrict the height of
23 proposed developments on certain parcels with
24 structures or buildings listed in the National
25 Register of Historic Places; requiring the
26 administrative approval of certain proposed
27 developments without further action by a quasi-
28 judicial or administrative board or reviewing body
29 under certain circumstances; defining the term

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30 "allowable density"; requiring the administrative
31 approval of the demolition of an existing structure
32 associated with a proposed development in certain
33 circumstances; providing construction; authorizing
34 counties and municipalities to administratively
35 require that certain proposed developments comply with
36 architectural design regulations under certain
37 circumstances; requiring counties and municipalities
38 to reduce parking requirements by a specified
39 percentage for certain proposed developments under
40 certain circumstances; authorizing counties and
41 municipalities to allow adjacent parcels of land to be
42 included within certain proposed developments;
43 requiring a court to give priority to and render
44 expeditious decisions in certain civil actions;
45 requiring a court to award reasonable attorney fees
46 and costs to a prevailing party in certain civil
47 actions; providing that such attorney fees or costs
48 may not exceed a specified dollar amount; prohibiting
49 the prevailing party from recovering certain other
50 fees or costs; defining terms; revising applicability;
51 prohibiting counties and municipalities from enforcing
52 certain building moratoriums; providing an exception,
53 subject to certain requirements; requiring the court
54 to assess and award reasonable attorney fees and costs
55 to the prevailing party in certain civil actions;
56 providing that such attorney fees or costs may not
57 exceed a specified dollar amount; prohibiting the
58 prevailing party from recovering certain other fees or

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costs; providing applicability; providing annual reporting requirements beginning on specified dates; 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; 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 allow developers in receipt of certain tax credits and funds to create a specified preference for housing certain employees; requiring that such preference conform to certain requirements; providing an effective date.

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

Section 1. Subsection (6) and paragraphs (a) through (f), (k), and (l) of subsection (7) of section 125.01055, Florida Statutes, are amended, new paragraphs (k) through (n) are added to subsection (7), and subsections (9) and (10) are added to that section, to read:

125.01055 Affordable housing.—

(6) Notwithstanding any other law or local ordinance or regulation to the contrary, the board of county commissioners may approve the development of housing that is affordable, as

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88 defined in s. 420.0004, including, but not limited to, a mixed-
89 use residential development, on any parcel zoned for commercial
90 or industrial use, or on any parcel, including any contiguous
91 parcel connected thereto, which is owned by a religious
92 institution as defined in s. 170.201(2) which contains a house
93 of public worship, regardless of underlying zoning, so long as
94 at least 10 percent of the units included in the project are for
95 housing that is affordable. The provisions of this subsection
96 are self-executing and do not require the board of county
97 commissioners to adopt an ordinance or a regulation before using
98 the approval process in this subsection.

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

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117 mixed-use residential projects be used for nonresidential
118 purposes.

119 (b) A county may not restrict the density of a proposed
120 development authorized under this subsection below the highest
121 currently allowed, or allowed on July 1, 2023, density on any
122 unincorporated land in the county where residential development
123 is allowed under the county's land development regulations. For
124 purposes of this paragraph, the term "highest currently allowed
125 density" does not include the density of any building that met
126 the requirements of this subsection or the density of any
127 building that has received any bonus, variance, or other special
128 exception for density provided in the county's land development
129 regulations as an incentive for development. For purposes of
130 this paragraph, "highest currently allowed, or allowed on July
131 1, 2023," means whichever is least restrictive at the time of
132 development.

133 (c) A county may not restrict the floor area ratio of a
134 proposed development authorized under this subsection below 150
135 percent of the highest currently allowed, or allowed on July 1,
136 2023, floor area ratio on any unincorporated land in the county
137 where development is allowed under the county's land development
138 regulations. For purposes of this paragraph, the term "highest
139 currently allowed floor area ratio" does not include the floor
140 area ratio of any building that met the requirements of this
141 subsection or the floor area ratio of any building that has
142 received any bonus, variance, or other special exception for
143 floor area ratio provided in the county's land development
144 regulations as an incentive for development. For purposes of
145 this subsection, the term "floor area ratio" includes floor lot

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ratio and lot coverage.

(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, variance, or other special exception for height provided in the county'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 which is within a single-family residential development with at least 25 contiguous single-family homes, the county 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 county'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 one point of a property line, but does not include properties separated by a public road.

3. If the proposed development is on a parcel with a contributing structure or building within a historic district which was listed in the National Register of Historic Places

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175 before January 1, 2000, or is on a parcel with a structure or
176 building individually listed in the National Register of
177 Historic Places, the county may restrict the height of the
178 proposed development to the highest currently allowed, or
179 allowed on July 1, 2023, height for a commercial or residential
180 building located in its jurisdiction within three-fourths of a
181 mile of the proposed development or 3 stories, whichever is
182 higher. The term "highest currently allowed" in this paragraph
183 includes the maximum height allowed for any building in a zoning
184 district irrespective of any conditions.

185 (e)1. A proposed development authorized under this
186 subsection must be administratively approved without ~~and no~~
187 further action by the board of county commissioners or any
188 quasi-judicial or administrative board or reviewing body is
189 ~~required~~ if the development satisfies the county's land
190 development regulations for multifamily developments in areas
191 zoned for such use and is otherwise consistent with the
192 comprehensive plan, with the exception of provisions
193 establishing allowable densities, floor area ratios, height, and
194 land use. Such land development regulations include, but are not
195 limited to, regulations relating to setbacks and parking
196 requirements. A proposed development located within one-quarter
197 mile of a military installation identified in s. 163.3175(2) may
198 not be administratively approved. Each county shall maintain on
199 its website a policy containing procedures and expectations for
200 administrative approval pursuant to this subsection. For
201 purposes of this subparagraph, the term "allowable density"
202 means the density prescribed for the property in accordance with
203 this subsection without additional requirements to procure and

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transfer density units or development units from other
properties.

2. The county must administratively approve the demolition
of an existing structure associated with a proposed development
under this subsection, without further action by the board of
county commissioners or any quasi-judicial or administrative
board or reviewing body, if the proposed demolition otherwise
complies with all state and local regulations.

3. If the proposed development is on a parcel with a
contributing structure or building within a historic district
which was listed in the National Register of Historic Places
before January 1, 2000, or is on a parcel with a structure or
building individually listed in the National Register of
Historic Places, the county may administratively require the
proposed development to comply with local regulations relating
to architectural design, such as facade replication, provided it
does not affect height, floor area ratio, of density of the
proposed development.

(f)1. A county must, upon request of an applicant, reduce
consider reducing parking requirements by 15 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;

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

~~b.a.~~ Is located within one-half mile of a major

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233 transportation hub that is accessible from the proposed
234 development by safe, pedestrian-friendly means, such as
235 sidewalks, crosswalks, elevated pedestrian or bike paths, or
236 other multimodal design features; or ~~and~~

237 ~~c.3.~~ Has available parking within 600 feet of the proposed
238 development which may consist of options such as on-street
239 parking, parking lots, or parking garages available for use by
240 residents of the proposed development. However, a county may not
241 require that the available parking compensate for the reduction
242 in parking requirements.

243 ~~2.3.~~ A county must eliminate parking requirements for a
244 proposed mixed-use residential development authorized under this
245 subsection within an area recognized by the county as a transit-
246 oriented development or area, as provided in paragraph (h).

247 ~~3.4.~~ For purposes of this paragraph, the term "major
248 transportation hub" means any transit station, whether bus,
249 train, or light rail, which is served by public transit with a
250 mix of other transportation options.

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

255 (l) The court shall give any civil action filed against a
256 county for a violation of this subsection priority over other
257 pending cases and render a preliminary or final decision as
258 expeditiously as possible.

259 (m) If a civil action is filed against a county for a
260 violation of this subsection, the court must assess and award
261 reasonable attorney fees and costs to the prevailing party. An

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award of reasonable attorney fees or costs pursuant to this subsection may not exceed \$250,000. In addition, a prevailing party may not recover any attorney fees or costs directly incurred by or associated with litigation to determine an award of reasonable attorney fees or costs.

(n) As used in this subsection, the term:

1. "Commercial use" means activities associated with the sale, rental, or distribution of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as retail sales; wholesale sales; rentals of equipment, goods, or products; offices; restaurants; 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. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not commercial use, irrespective of how they are operated.

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

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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. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not industrial use, irrespective of how they are operated.

3. "Mixed use" means any use that combines multiple types of approved land uses from at least two of the residential use, 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. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not mixed use, irrespective of how they are operated.

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

(o) ~~(*)~~ 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.

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

321 4. The Everglades Protection Area, as defined in s.
322 373.4592(2).

323 (p)(1) This subsection expires October 1, 2033.

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

329 (b) A county may, by ordinance, impose or enforce such a
330 building moratorium for no more than 90 days in any 3-year
331 period. Before adoption of such a building moratorium, the
332 county shall prepare or cause to be prepared an assessment of
333 the county's need for affordable housing at the extremely-low-
334 income, very-low-income, low-income, or moderate-income limits
335 specified in s. 420.0004, including projections of such need for
336 the next 5 years. This assessment must be posted on the county's
337 website by the date the notice of proposed enactment is
338 published, and presented at the same public meeting at which the
339 proposed ordinance imposing the building moratorium is adopted
340 by the board of county commissioners. This assessment must be
341 included in the business impact estimate for the ordinance
342 imposing such a moratorium required by s. 125.66(3).

343 (c) If a civil action is filed against a county for a
344 violation of this subsection, the court must assess and award
345 reasonable attorney fees and costs to the prevailing party. An
346 award of reasonable attorney fees or costs pursuant to this
347 subsection may not exceed \$250,000. In addition, a prevailing
348 party may not recover any attorney fees or costs directly

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349 incurred by or associated with litigation to determine an award
350 of reasonable attorney fees or costs.

351 (d) This subsection does not apply to moratoria imposed or
352 enforced to address stormwater or flood water management, to
353 address the supply of potable water, or due to the necessary
354 repair of sanitary sewer systems, if such moratoria apply
355 equally to all types of multifamily or mixed-use residential
356 development.

357 (10)(a) Beginning November 1, 2026, each county must
358 provide an annual report to the state land planning agency which
359 includes:

360 1. A summary of litigation relating to subsection (7) that
361 was initiated, remains pending, or was resolved during the
362 previous fiscal year.

363 2. A list of all projects proposed or approved under
364 subsection (7) during the previous fiscal year. For each
365 project, the report must include, at a minimum, the project's
366 size, density, and intensity and the total number of units
367 proposed, including the number of affordable units and
368 associated targeted household incomes.

369 (b) The state land planning agency shall compile the
370 information received under this subsection and submit the
371 information to the Governor, the President of the Senate, and
372 the Speaker of the House of Representatives annually by February
373 1.

374 Section 2. Subsection (6) and paragraphs (a) through (f),
375 (k), and (l) of subsection (7) of section 166.04151, Florida
376 Statutes, are amended, new paragraphs (k) through (n) are added
377 to subsection (7), and subsections (9) and (10) are added to

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that section, to read:

166.04151 Affordable housing.—

(6) Notwithstanding any other law or local ordinance or regulation to the contrary, the governing body of a municipality may approve the development of housing that is affordable, as defined in s. 420.0004, including, but not limited to, a mixed-use residential development, on any parcel zoned for commercial or industrial use, or on any parcel, including any contiguous parcel connected thereto, which is owned by a religious institution as defined in s. 170.201(2) which contains a house of public worship, regardless of underlying zoning, so long as at least 10 percent of the units included in the project are for housing that is affordable. The provisions of this subsection are self-executing and do not require the governing body to adopt an ordinance or a regulation before using the approval process in this subsection.

(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 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

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407 impact, amendment to a municipal charter, or comprehensive plan
408 amendment for the building height, zoning, and densities
409 authorized under this subsection. For mixed-use residential
410 projects, at least 65 percent of the total square footage must
411 be used for residential purposes. The municipality may not
412 require that more than 10 percent of the total square footage of
413 such mixed-use residential projects be used for nonresidential
414 purposes.

415 (b) A municipality may not restrict the density of a
416 proposed development authorized under this subsection below the
417 highest currently allowed, or allowed on July 1, 2023, density
418 on any land in the municipality where residential development is
419 allowed under the municipality's land development regulations.
420 For purposes of this paragraph, the term "highest currently
421 allowed density" does not include the density of any building
422 that met the requirements of this subsection or the density of
423 any building that has received any bonus, variance, or other
424 special exception for density provided in the municipality's
425 land development regulations as an incentive for development.
426 For purposes of this paragraph, "highest currently allowed, or
427 allowed on July 1, 2023," means whichever is least restrictive
428 at the time of development.

429 (c) A municipality may not restrict the floor area ratio of
430 a proposed development authorized under this subsection below
431 150 percent of the highest currently allowed, or allowed on July
432 1, 2023, floor area ratio on any land in the municipality where
433 development is allowed under the municipality's land development
434 regulations. For purposes of this paragraph, the term "highest
435 currently allowed floor area ratio" does not include the floor

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436 area ratio of any building that met the requirements of this
437 subsection or the floor area ratio of any building that has
438 received any bonus, variance, or other special exception for
439 floor area ratio provided in the municipality's land development
440 regulations as an incentive for development. For purposes of
441 this subsection, the term "floor area ratio" includes floor lot
442 ratio and lot coverage.

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

455 2. If the proposed development is adjacent to, on two or
456 more sides, a parcel zoned for single-family residential use
457 that is within a single-family residential development with at
458 least 25 contiguous single-family homes, the municipality may
459 restrict the height of the proposed development to 150 percent
460 of the tallest building on any property adjacent to the proposed
461 development, the highest currently allowed, or allowed on July
462 1, 2023, height for the property provided in the municipality's
463 land development regulations, or 3 stories, whichever is higher,
464 not to exceed 10 stories. For the purposes of this paragraph,

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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. 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.

3. If the proposed development is on a parcel with a contributing structure or building within a historic district which was listed in the National Register of Historic Places before January 1, 2000, or is on a parcel with a structure or building individually listed in the National Register of Historic Places, the municipality may restrict the height of the proposed development to the highest currently allowed, or allowed on July 1, 2023, height for a commercial or residential building located in its jurisdiction within three-fourths of a mile of the proposed development or 3 stories, whichever is higher. The term "highest currently allowed" in this paragraph includes the maximum height allowed for any building in a zoning district irrespective of any conditions.

(e)1. 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

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494 quasi-judicial or administrative board or reviewing body ~~is~~
495 ~~required~~ if the development satisfies the municipality's land
496 development regulations for multifamily developments in areas
497 zoned for such use and is otherwise consistent with the
498 comprehensive plan, with the exception of provisions
499 establishing allowable densities, floor area ratios, height, and
500 land use. Such land development regulations include, but are not
501 limited to, regulations relating to setbacks and parking
502 requirements. A proposed development located within one-quarter
503 mile of a military installation identified in s. 163.3175(2) may
504 not be administratively approved. Each municipality shall
505 maintain on its website a policy containing procedures and
506 expectations for administrative approval pursuant to this
507 subsection. For purposes of this paragraph, the term "allowable
508 density" means the density prescribed for the property in
509 accordance with this subsection without additional requirements
510 to procure and transfer density units or development units from
511 other properties.

512 2. The municipality must administratively approve the
513 demolition of an existing structure associated with a proposed
514 development under this subsection, without further action by the
515 governing body of the municipality or any quasi-judicial or
516 administrative board or reviewing body, if the proposed
517 demolition otherwise complies with all state and local
518 regulations.

519 3. If the proposed development is on a parcel with a
520 contributing structure or building within a historic district
521 which was listed in the National Register of Historic Places
522 before January 1, 2000, or is on a parcel with a structure or

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building individually listed in the National Register of Historic Places, the municipality may administratively require the proposed development to comply with local regulations relating to architectural design, such as facade replication, provided it does not affect height, floor area ratio, of density of the proposed development.

(f)1. A municipality must, upon request of an applicant, reduce ~~consider reducing~~ parking requirements for a proposed development authorized under this subsection by 15 percent if the development:

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

~~2. A municipality must reduce parking requirements by at least 20 percent for a proposed development authorized under this 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 sidewalks, crosswalks, elevated pedestrian or bike paths, or other multimodal design features; or.

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

~~2.3.~~ A municipality must eliminate parking requirements for a proposed mixed-use residential development authorized under

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552 this subsection within an area recognized by the municipality as
553 a transit-oriented development or area, as provided in paragraph
554 (h).

555 ~~3.4.~~ For purposes of this paragraph, the term "major
556 transportation hub" means any transit station, whether bus,
557 train, or light rail, which is served by public transit with a
558 mix of other transportation options.

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

563 (l) The court shall give any civil action filed against a
564 municipality for a violation of this subsection priority over
565 other pending cases and render a preliminary or final decision
566 as expeditiously as possible.

567 (m) If a civil action is filed against a municipality for a
568 violation of this subsection, the court must assess and award
569 reasonable attorney fees and costs to the prevailing party. An
570 award of reasonable attorney fees or costs pursuant to this
571 subsection may not exceed \$250,000. In addition, a prevailing
572 party may not recover any attorney fees or costs directly
573 incurred by or associated with litigation to determine an award
574 of reasonable attorney fees or costs.

575 (n) As used in this subsection, the term:

576 1. "Commercial use" means activities associated with the
577 sale, rental, or distribution of products or the performance of
578 services related thereto. The term includes, but is not limited
579 to, such uses or activities as retail sales; wholesale sales;
580 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. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not commercial use, irrespective of how they are operated.

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

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610 uses, or allowed only on a temporary basis. Recreational uses,
611 such as golf courses, tennis courts, swimming pools, and
612 clubhouses, within an area designated for residential use are
613 not industrial use, irrespective of how they are operated.

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

619 Recreational uses, such as golf courses, tennis courts, swimming
620 pools, and clubhouses, within an area designated for residential
621 use are not mixed use, irrespective of how they are operated.

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

624 (o) ~~(k)~~ This subsection does not apply to:

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

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

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

629 4. The Everglades Protection Area, as defined in s.
630 373.4592(2).

631 (p) ~~(l)~~ This subsection expires October 1, 2033.

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

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

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639 year period. Before adoption of such a building moratorium, the
640 municipality shall prepare or cause to be prepared an assessment
641 of the municipality's need for affordable housing at the
642 extremely-low-income, very-low-income, low-income, or moderate-
643 income limits specified in s. 420.0004, including projections of
644 such need for the next 5 years. This assessment must be posted
645 on the municipality's website by the date the notice of proposed
646 enactment is published and must be presented at the same public
647 meeting at which the proposed ordinance imposing the building
648 moratorium is adopted by the governing body of the municipality.
649 This assessment must be included in the business impact estimate
650 for the ordinance imposing such a moratorium required by s.
651 166.041(4).

652 (c) If a civil action is filed against a municipality for a
653 violation of this subsection, the court must assess and award
654 reasonable attorney fees and costs to the prevailing party. An
655 award of reasonable attorney fees or costs pursuant to this
656 subsection may not exceed \$250,000. In addition, a prevailing
657 party may not recover any attorney fees or costs directly
658 incurred by or associated with litigation to determine an award
659 of reasonable attorney fees or costs.

660 (d) This subsection does not apply to moratoria imposed or
661 enforced to address stormwater or flood water management, to
662 address the supply of potable water, or due to the necessary
663 repair of sanitary sewer systems, if such moratoria apply
664 equally to all types of multifamily or mixed-use residential
665 development.

666 (10) (a) Beginning November 1, 2026, each municipality must
667 provide an annual report to the state land planning agency which

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includes:

1. A summary of litigation relating to subsection (7) that was initiated, remains pending, or was resolved during the previous fiscal year.

2. A list of all projects proposed or approved under subsection (7) during the previous fiscal year. For each project, the report must include, at a minimum, the project's size, density, and intensity and the total number of units proposed, including the number of affordable units and associated targeted household incomes.

(b) The state land planning agency shall compile the information received under this subsection and submit the information to the Governor, the President of the Senate, and the Speaker of the House of Representatives annually by February 1.

Section 3. An applicant for a proposed development authorized under s. 125.01055(7), Florida Statutes, or s. 166.04151(7), Florida Statutes, who submitted an application, a written request, or a notice of intent to use such provisions to the county or municipality and which application, written request, or notice of intent has been received by the county or municipality, as applicable, before July 1, 2025, may notify the county or municipality by July 1, 2025, of its intent to proceed under the provisions of s. 125.01055(7), Florida Statutes, or s. 166.04151(7), Florida Statutes, as they existed at the time of submittal. A county or municipality, as applicable, shall allow an applicant who submitted such application, written request, or notice of intent before July 1, 2025, the opportunity to submit a revised application, written request, or notice of intent to

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697 account for the changes made by this act.

698 Section 4. Section 420.5098, Florida Statutes, is created
699 to read:

700 420.5098 Public sector and hospital employer-sponsored
701 housing policy.—

702 (1) The Legislature finds that it is in the best interests
703 of the state and the state's economy to provide affordable
704 housing to state residents employed by hospitals, health care
705 facilities, and governmental entities in order to attract and
706 maintain the highest quality labor by incentivizing such
707 employers to sponsor affordable housing opportunities. Section
708 42(g)(9)(B) of the Internal Revenue Code provides that a
709 qualified low-income housing project does not fail to meet the
710 general public use requirement solely because of occupancy
711 restrictions or preferences that favor tenants who are members
712 of a specified group under a state program or policy that
713 supports housing for such specified group. Therefore, it is the
714 intent of the Legislature to establish a policy that supports
715 the development of affordable workforce housing for employees of
716 hospitals, health care facilities, and governmental entities.

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

718 (a) "Governmental entity" means any state, regional,
719 county, local, or municipal governmental entity of this state,
720 whether executive, judicial, or legislative; any department,
721 division, bureau, commission, authority, or political
722 subdivision of the state; any public school, state university,
723 or Florida College System institution; or any special district
724 as defined in s. 189.012.

725 (b) "Health care facility" has the same meaning as provided

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in s. 159.27(16).

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

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

Section 5. This act shall take effect July 1, 2025.