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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2025	.	
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The Committee on Rules (Gaetz) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 38 - 77

and insert:

Section 1. Subsections (3) and (4) and present subsection (5) of section 163.31771, Florida Statutes, are amended, paragraph (h) is added to subsection (2) of that section, and a new subsection (5) is added to that section, to read:

163.31771 Accessory dwelling units.—

(2) As used in this section, the term:

(h) “Primary dwelling unit” means the existing or proposed



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12 single-family dwelling on the property where a proposed  
13 accessory dwelling unit would be located.

14 (3) By December 1, 2025, a local government shall ~~may~~ adopt  
15 an ordinance to allow accessory dwelling units in any area zoned  
16 for single-family residential use. Such ordinance must apply  
17 prospectively to accessory dwelling units permitted or  
18 constructed after the date the ordinance is adopted. Such  
19 ordinance may regulate the permitting, construction, and use of  
20 an accessory dwelling unit, but may not do any of the following:

21 (a) Prohibit the owner of an accessory dwelling unit from  
22 offering the accessory dwelling unit for rent, except as  
23 otherwise provided by law.

24 (b) Require that the owner of a parcel on which an  
25 accessory dwelling unit is constructed reside in the primary  
26 dwelling unit.

27 (c) Increase parking requirements on any parcel that can  
28 accommodate an additional motor vehicle on a driveway without  
29 impeding access to the primary dwelling unit.

30 (d) Require replacement parking if a garage, carport, or  
31 covered parking structure is converted to create an accessory  
32 dwelling unit.

33 ~~(4) An application for a building permit to construct an~~  
34 ~~accessory dwelling unit must include an affidavit from the~~  
35 ~~applicant which attests that the unit will be rented at an~~  
36 ~~affordable rate to an extremely low income, very low income,~~  
37 ~~low income, or moderate income person or persons.~~

38 ~~(5)~~ Each accessory dwelling unit allowed by an ordinance  
39 adopted under this section which provides affordable rental  
40 housing shall apply toward satisfying the affordable housing



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41 component of the housing element in the local government's  
42 comprehensive plan under s. 163.3177(6)(f).

43 (5) The owner of a property with an accessory dwelling unit  
44 may not be denied a homestead exemption for those portions of  
45 property on which the owner maintains a permanent residence  
46 solely on the basis of the property containing an accessory  
47 dwelling unit that is or may be rented to another person.  
48 However, if the accessory dwelling unit is rented to another  
49 person, the accessory dwelling unit must be assessed separately  
50 from the homestead property and taxed according to its use.

51  
52 ===== T I T L E A M E N D M E N T =====

53 And the title is amended as follows:

54 Delete lines 3 - 22

55 and insert:

56 163.31771, F.S.; defining the term "primary dwelling  
57 unit"; requiring, rather than authorizing, local  
58 governments to adopt an ordinance to allow accessory  
59 dwelling units in certain areas; requiring such  
60 ordinances to apply prospectively; prohibiting such  
61 ordinances from including certain requirements or  
62 prohibitions; deleting a requirement that an  
63 application for a building permit to construct an  
64 accessory dwelling unit include a certain affidavit;  
65 revising the accessory dwelling units that apply  
66 toward satisfying a certain component of a local  
67 government's comprehensive plan; prohibiting the  
68 denial of a homestead exemption for certain portions  
69 of property on a specified basis; requiring that a



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rented accessory dwelling unit be assessed separately  
from the homestead property and taxed according to its  
use;