

By the Committee on Community Affairs; and Senator Gaetz

578-01992-25

2025184c1

1                   A bill to be entitled  
2       An act relating to affordable housing; amending s.  
3       163.31771, F.S.; requiring, rather than authorizing, a  
4       local government to adopt an ordinance to allow  
5       accessory dwelling units in certain areas; prohibiting  
6       such an ordinance from increasing parking  
7       requirements; prohibiting such an ordinance from  
8       including a specified requirement; providing  
9       applicability of such an ordinance; prohibiting the  
10      denial of a homestead exemption for certain portions  
11      of property on a specified basis; requiring that a  
12      rented accessory dwelling unit be assessed separately  
13      from the homestead property; amending s. 420.615,  
14      F.S.; authorizing a local government to provide a  
15      density bonus incentive to landowners who make certain  
16      real property donations to assist in the provision of  
17      affordable housing for military families; requiring  
18      the Office of Program Policy Analysis and Government  
19      Accountability to evaluate the efficacy of using  
20      mezzanine finance and the potential of tiny homes for  
21      specified purposes; requiring the office to consult  
22      with certain entities; requiring the office to submit  
23      a certain report to the Legislature by a specified  
24      date; providing an effective date.

25  
26   Be It Enacted by the Legislature of the State of Florida:

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28       Section 1. Present subsection (5) of section 163.31771,  
29       Florida Statutes, is redesignated as subsection (6), a new

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30 subsection (5) is added to that section, and subsection (3) of  
31 that section is amended, to read:

32 163.31771 Accessory dwelling units.—

33 (3) A local government shall ~~may~~ adopt an ordinance to  
34 allow accessory dwelling units, without any corresponding  
35 increase in parking requirements, in any area zoned for single-  
36 family residential use. Such ordinance may not require that the  
37 owner of a parcel on which an accessory dwelling unit is  
38 constructed reside on such parcel and does not apply to a  
39 planned unit development or master planned community as those  
40 terms are defined in s. 163.3202 (5) (b) 2.

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

49 Section 2. Subsection (1) of section 420.615, Florida  
50 Statutes, is amended to read:

51 420.615 Affordable housing land donation density bonus  
52 incentives.—

53 (1) A local government may provide density bonus incentives  
54 pursuant to the provisions of this section to any landowner who  
55 voluntarily donates fee simple interest in real property to the  
56 local government for the purpose of assisting the local  
57 government in providing affordable housing, including housing  
58 that is affordable for military families receiving the basic

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59 allowance for housing. Donated real property must be determined  
60 by the local government to be appropriate for use as affordable  
61 housing and must be subject to deed restrictions to ensure that  
62 the property will be used for affordable housing.

63 Section 3. The Office of Program Policy Analysis and  
64 Government Accountability (OPPAGA) shall evaluate the efficacy  
65 of using mezzanine finance, or second-position short-term debt,  
66 to stimulate the construction of owner-occupied housing that is  
67 affordable as defined in s. 420.0004(3), Florida Statutes, in  
68 this state. OPPAGA shall also evaluate the potential of tiny  
69 homes in meeting the need for affordable housing in this state.  
70 OPPAGA shall consult with the Florida Housing Finance  
71 Corporation and the Shimberg Center for Housing Studies at the  
72 University of Florida in conducting its evaluation. By December  
73 31, 2026, OPPAGA shall submit a report of its findings to the  
74 President of the Senate and the Speaker of the House of  
75 Representatives. Such report must include recommendations for  
76 the structuring of a model mezzanine finance program.

77 Section 4. This act shall take effect July 1, 2025.