

By the Appropriations Committee on Transportation, Tourism, and Economic Development; the Committee on Community Affairs; and Senator Gaetz

606-02271-25

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1 A bill to be entitled
2 An act relating to affordable housing; amending s.
3 163.31771, F.S.; revising the definition of the term
4 "accessory dwelling unit" to include certain
5 manufactured homes; requiring, rather than
6 authorizing, local governments to adopt an ordinance
7 to allow accessory dwelling units in certain areas;
8 prohibiting such an ordinance from increasing parking
9 requirements; prohibiting such an ordinance from
10 including a specified requirement; providing
11 applicability of such an ordinance; deleting a
12 requirement that an application for a building permit
13 to construct an accessory dwelling unit include a
14 certain affidavit; revising the accessory dwelling
15 units that apply toward satisfying a certain component
16 of a local government's comprehensive plan;
17 prohibiting the leasing of an accessory dwelling unit
18 for a term of less than a specified timeframe;
19 prohibiting the denial of a homestead exemption for
20 certain portions of property on a specified basis;
21 requiring that a rented accessory dwelling unit be
22 assessed separately from the homestead property;
23 amending s. 420.615, F.S.; authorizing a local
24 government to provide a density bonus incentive to
25 landowners who make certain real property donations to
26 assist in the provision of affordable housing for
27 military families; requiring the Office of Program
28 Policy Analysis and Government Accountability to
29 evaluate the efficacy of using mezzanine finance and

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30 the potential of tiny homes for specified purposes;
31 requiring the office to consult with certain entities;
32 requiring the office to submit a certain report to the
33 Legislature by a specified date; providing an
34 effective date.

35
36 Be It Enacted by the Legislature of the State of Florida:

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38 Section 1. Paragraph (a) of subsection (2) and subsections
39 (3), (4), and (5) of section 163.31771, Florida Statutes, are
40 amended, and a new subsection (5) and subsection (6) are added
41 to that section, to read:

42 163.31771 Accessory dwelling units.—

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

44 (a) "Accessory dwelling unit" means an ancillary or
45 secondary living unit, that has a separate kitchen, bathroom,
46 and sleeping area, existing either within the same structure, or
47 on the same lot, as the primary dwelling unit. An accessory
48 dwelling unit may be a manufactured home, so long as the
49 manufactured home meets all applicable requirements.

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

58 (4) ~~An application for a building permit to construct an~~

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59 ~~accessory dwelling unit must include an affidavit from the~~
60 ~~applicant which attests that the unit will be rented at an~~
61 ~~affordable rate to an extremely-low-income, very-low-income,~~
62 ~~low-income, or moderate-income person or persons.~~

63 ~~(5)~~ Each accessory dwelling unit allowed by an ordinance
64 adopted under this section which provides affordable rental
65 housing shall apply toward satisfying the affordable housing
66 component of the housing element in the local government's
67 comprehensive plan under s. 163.3177(6) (f).

68 (5) An accessory dwelling unit may not be leased for a term
69 of less than one month.

70 (6) The owner of a property with an accessory dwelling unit
71 may not be denied a homestead exemption for those portions of
72 property on which the owner maintains a permanent residence
73 solely on the basis of the property containing an accessory
74 dwelling unit that is or may be rented to another person.
75 However, if the accessory dwelling unit is rented to another
76 person, the accessory dwelling unit must be assessed separately
77 from the homestead property.

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

80 420.615 Affordable housing land donation density bonus
81 incentives.—

82 (1) A local government may provide density bonus incentives
83 pursuant to the provisions of this section to any landowner who
84 voluntarily donates fee simple interest in real property to the
85 local government for the purpose of assisting the local
86 government in providing affordable housing, including housing
87 that is affordable for military families receiving the basic

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88 allowance for housing. Donated real property must be determined
89 by the local government to be appropriate for use as affordable
90 housing and must be subject to deed restrictions to ensure that
91 the property will be used for affordable housing.

92 Section 3. The Office of Program Policy Analysis and
93 Government Accountability (OPPAGA) shall evaluate the efficacy
94 of using mezzanine finance, or second-position short-term debt,
95 to stimulate the construction of owner-occupied housing that is
96 affordable as defined in s. 420.0004(3), Florida Statutes, in
97 this state. OPPAGA shall also evaluate the potential of tiny
98 homes in meeting the need for affordable housing in this state.
99 OPPAGA shall consult with the Florida Housing Finance
100 Corporation and the Shimberg Center for Housing Studies at the
101 University of Florida in conducting its evaluation. By December
102 31, 2026, OPPAGA shall submit a report of its findings to the
103 President of the Senate and the Speaker of the House of
104 Representatives. Such report must include recommendations for
105 the structuring of a model mezzanine finance program.

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