

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

595-03121-25

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

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30 Legislature by a specified date; providing an
31 effective date.

32
33 Be It Enacted by the Legislature of the State of Florida:

34
35 Section 1. Subsections (3) and (4) and present subsection
36 (5) of section 163.31771, Florida Statutes, are amended,
37 paragraph (h) is added to subsection (2) of that section, and a
38 new subsection (5) is added to that section, to read:

39 163.31771 Accessory dwelling units.—

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

41 (h) "Primary dwelling unit" means the existing or proposed
42 single-family dwelling on the property where a proposed
43 accessory dwelling unit would be located.

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

51 (a) Prohibit the owner of an accessory dwelling unit from
52 offering the accessory dwelling unit for rent, except as
53 otherwise provided by law.

54 (b) Require that the owner of a parcel on which an
55 accessory dwelling unit is constructed reside in the primary
56 dwelling unit.

57 (c) Increase parking requirements on any parcel that can
58 accommodate an additional motor vehicle on a driveway without

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59 impeding access to the primary dwelling unit.

60 (d) Require replacement parking if a garage, carport, or
61 covered parking structure is converted to create an accessory
62 dwelling unit.

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

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

73 (5) The owner of a property with an accessory dwelling unit
74 may not be denied a homestead exemption for those portions of
75 property on which the owner maintains a permanent residence
76 solely on the basis of the property containing an accessory
77 dwelling unit that is or may be rented to another person.
78 However, if the accessory dwelling unit is rented to another
79 person, the accessory dwelling unit must be assessed separately
80 from the homestead property and taxed according to its use.

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

83 420.615 Affordable housing land donation density bonus
84 incentives.—

85 (1) A local government may provide density bonus incentives
86 pursuant to the provisions of this section to any landowner who
87 voluntarily donates fee simple interest in real property to the

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88 local government for the purpose of assisting the local
89 government in providing affordable housing, including housing
90 that is affordable for military families receiving the basic
91 allowance for housing. Donated real property must be determined
92 by the local government to be appropriate for use as affordable
93 housing and must be subject to deed restrictions to ensure that
94 the property will be used for affordable housing.

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

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