

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 removing 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; specifying that accessory dwelling
16 units that provide affordable rental housing shall
17 apply towards satisfying a certain component of a
18 local government's comprehensive plan; prohibiting the
19 denial of a homestead exemption for certain portions
20 of property on a specified basis; requiring that a
21 rented accessory dwelling unit be assessed separately
22 from the homestead property and taxed according to its
23 use; 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
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.

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

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

42 163.31771 Accessory dwelling units.—

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

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

47 (3) By December 1, 2025, a local government shall ~~may~~
48 adopt an ordinance to allow accessory dwelling units in any area
49 zoned for single-family residential use. Such ordinance shall
50 apply prospectively to accessory dwelling units approved after

51 the date the ordinance is adopted. Such ordinance may regulate
52 the permitting, construction, and use of an accessory dwelling
53 unit, but may not do any of the following:

54 (a) Prohibit the renting or leasing of an accessory
55 dwelling unit, except to prohibit the renting or leasing of an
56 accessory dwelling unit approved after the effective date of the
57 ordinance for a term of less than 1 month, notwithstanding s.
58 509.032(7)(b).

59 (b) Require that the owner of a parcel on which an
60 accessory dwelling unit is constructed reside in the primary
61 dwelling unit.

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

65 (d) Require replacement parking if a garage, carport, or
66 covered parking structure is converted to create an accessory
67 dwelling unit.

68 ~~(4) An application for a building permit to construct an~~
69 ~~accessory dwelling unit must include an affidavit from the~~
70 ~~applicant which attests that the unit will be rented at an~~
71 ~~affordable rate to an extremely-low-income, very-low-income,~~
72 ~~low-income, or moderate-income person or persons.~~

73 (4)(5) Each accessory dwelling unit allowed by an
74 ordinance adopted under this section which provides affordable
75 rental housing shall apply toward satisfying the affordable

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

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

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

420.615 Affordable housing land donation density bonus incentives.—

(1) A local government may provide density bonus incentives pursuant to the provisions of this section to any landowner who voluntarily donates fee simple interest in real property to the local government for the purpose of assisting the local government in providing affordable housing, including housing that is affordable for military families receiving the basic allowance for housing. Donated real property must be determined by the local government to be appropriate for use as affordable housing and must be subject to deed restrictions to ensure that the property will be used for affordable housing.

Section 3. The Office of Program Policy Analysis and

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

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