COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	____	(Y/N)
ADOPTED AS AMENDED	____	(Y/N)
ADOPTED W/O OBJECTION	____	(Y/N)
FAILED TO ADOPT	____	(Y/N)
WITHDRAWN	____	(Y/N)
OTHER		

Committee/Subcommittee hearing bill: Commerce Committee
Representative Lopez, V. offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsections (6) and (7) of section 125.01055, Florida Statutes, are amended, and new subsections (8), (9), and (10) are added to that section, to read:

125.01055 Affordable housing.—

(6) Notwithstanding any other law or local ordinance or regulation to the contrary, the board of county commissioners may approve the development of housing that is affordable, as defined in s. 420.0004, including, but not limited to, a mixed-use residential development, on any parcel zoned for commercial or industrial use, or on any parcel, including any contiguous parcel connected thereto, which is owned by a religious

institution, as defined in s. 170.201(2), which contains a house of public worship, regardless of the underlying zoning, so long as at least 10 percent of the units included in the project are for housing that is affordable. The provisions of this subsection are self-executing and do not require the board of county commissioners to adopt an ordinance or a regulation before using the approval process in this subsection.

(7)(a) A county must authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use, and in portions of any flexibly zoned area such as a planned unit development permitted for commercial, industrial, or mixed use, if at least 40 percent of the residential units in a proposed multifamily development are rental units that, for a period of at least 30 years, are affordable as defined in s. 420.0004. Notwithstanding any other law, local ordinance, or regulation to the contrary, a county may not require a proposed multifamily development to obtain a zoning or land use change, special exception, conditional use approval, variance, transfer of density or development units, or comprehensive plan amendment for the building height, zoning, and densities authorized under this subsection. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes. A county may not require that more than 10 percent of the total square footage of

such mixed-use residential projects be used for nonresidential purposes.

(b) A county may not restrict the density of a proposed development authorized under this subsection below the highest currently allowed density or the highest density allowed on July 1, 2023, on any unincorporated land in the county where residential development is allowed under the county's land development regulations. For purposes of this paragraph, the term "highest currently allowed density" does not include the density of any building that met the requirements of this subsection or the density of any building that has received any bonus, variance, or other special exception for density provided in the county's land development regulations as an incentive for development.

(c) A county may not restrict the floor area ratio of a proposed development authorized under this subsection below 150 percent of the highest currently allowed floor area ratio or the highest floor ratio allowed on July 1, 2023, on any unincorporated land in the county where development is allowed under the county's land development regulations. For purposes of this paragraph, the term "highest currently allowed floor area ratio" does not include the floor area ratio of any building that met the requirements of this subsection or the floor area ratio of any building that has received any bonus, variance, or other special exception for floor area ratio provided in the

county's land development regulations as an incentive for development. For purposes of this subsection, the term "floor area ratio" includes floor lot ratio.

(d)1. A county may not restrict the height of a proposed development authorized under this subsection below the highest currently allowed height or the highest height allowed on July 1, 2023, for a commercial or residential building located in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher. For purposes of this paragraph, the term "highest currently allowed height" does not include the height of any building that met the requirements of this subsection or the height of any building that has received any bonus, variance, or other special exception for height provided in the county's land development regulations as an incentive for development.

2. If the proposed development is adjacent to, on two or more sides, a parcel zoned for single-family residential use which is within a single-family residential development with at least 25 contiguous single-family homes, the county may restrict the height of the proposed development to 150 percent of the tallest building on any property adjacent to the proposed development, the highest currently allowed height or the highest height allowed on July 1, 2023, for the property provided in the county's land development regulations, or 3 stories, whichever is highest, but not to exceed 10 stories ~~higher~~. For the

purposes of this paragraph, the term "adjacent to" means those properties sharing more than one point of a property line, but does not include properties separated by a public road or body of water, including a man-made lake or pond. For a proposed development located within a county within an area of critical state concern, as designated by s. 380.0552 and chapter 28-36, Florida Administrative Code, the term "story" includes only the habitable space beginning at the base flood elevation, as designated by the Federal Emergency Management Agency in the most recent Flood Insurance Rate Map. A story may not exceed 10 feet in height measured from finished floor to finished floor, including space for mechanical equipment. The highest story may not exceed 10 feet from finished floor to the top plate.

(e) A proposed development authorized under this subsection must be administratively approved without ~~and no~~ further action by the board of county commissioners or any quasi-judicial or administrative board or reviewing body ~~is required~~ if the development satisfies the county's land development regulations for multifamily developments in areas zoned for such use and is otherwise consistent with the comprehensive plan, with the exception of provisions establishing allowable densities, floor area ratios, height, and land use. Such land development regulations include, but are not limited to, regulations relating to setbacks and parking requirements. Unless a structure is, as of July 1, 2023,

classified as "contributing" in a local government historic properties database, the removal or demolition of all or part of a structure does not require a public hearing for approval, to the extent such removal or demolition is pursuant to a proposed development authorized under this subsection. Notwithstanding the foregoing, the rear portion of a structure abutting or facing an alley may not be deemed "contributing." A proposed development located within one-quarter mile of a military installation identified in s. 163.3175(2) may not be administratively approved. Each county shall maintain on its website a policy containing procedures and expectations for administrative approval pursuant to this subsection. For the purposes of this paragraph, the term "allowable density" means the density prescribed for the property without additional requirements to procure and transfer density units or development units from other properties.

(f)1. A county must, upon request of an applicant, reduce ~~consider reducing~~ parking requirements by 20 percent for a proposed development authorized under this subsection if the development:

a. Is located within one-quarter mile of a transit stop, as defined in the county's land development code, and the transit stop is accessible from the development;~~.~~

~~2. A county must reduce parking requirements by at least 20 percent for a proposed development authorized under this subsection if the development:~~

b.~~a.~~ Is located within one-half mile of a major transportation hub that is accessible from the proposed development by safe, pedestrian-friendly means, such as sidewalks, crosswalks, elevated pedestrian or bike paths, or other multimodal design features; or ~~and~~

c.~~b.~~ Has available parking within 600 feet of the proposed development which may consist of options such as on-street parking, parking lots, or parking garages available for use by residents of the proposed development. However, a county may not require that the available parking compensate for the reduction in parking requirements.

2.~~3.~~ A county must eliminate parking requirements for a proposed mixed-use residential development authorized under this subsection within an area recognized by the county as a transit-oriented development or area, as provided in paragraph (h).

3.~~4.~~ For purposes of this paragraph, the term "major transportation hub" means any transit station, whether bus, train, or light rail, which is served by public transit with a mix of other transportation options.

(g) For proposed multifamily developments in an unincorporated area zoned for commercial or industrial use which is within the boundaries of a multicounty independent special

district that was created to provide municipal services and is not authorized to levy ad valorem taxes, and less than 20 percent of the land area within such district is designated for commercial or industrial use, a county must authorize, as provided in this subsection, such development only if the development is mixed-use residential.

(h) A proposed development authorized under this subsection which is located within a transit-oriented development or area, as recognized by the county, must be mixed-use residential and otherwise comply with requirements of the county's regulations applicable to the transit-oriented development or area except for use, height, density, floor area ratio, and parking as provided in this subsection or as otherwise agreed to by the county and the applicant for the development.

(i) Except as otherwise provided in this subsection, a development authorized under this subsection must comply with all applicable state and local laws and regulations.

(j)1. Nothing in this subsection precludes a county from granting a bonus, variance, conditional use, or other special exception for height, density, or floor area ratio in addition to the height, density, and floor area ratio requirements in this subsection.

2. Nothing in this subsection precludes a proposed development authorized under this subsection from receiving a

bonus for density, height, or floor area ratio pursuant to an ordinance or regulation of the jurisdiction where the proposed development is located if the proposed development satisfies the conditions to receive the bonus except for any condition which conflicts with this subsection. If a proposed development qualifies for such bonus, the bonus must be administratively approved by the county and no further action by the board of county commissioners is required.

(k) Notwithstanding any other law or local ordinance or regulation to the contrary, a county may allow an adjacent parcel of land to be included within a proposed multifamily development authorized under this subsection.

(l)1.~~(k)~~ This subsection does not apply to:

a.~~1.~~ Airport-impacted areas as provided in s. 333.03.

b.~~2.~~ Property defined as recreational and commercial working waterfront in s. 342.201(2)(b) in any area zoned as industrial.

c. The Wekiva Study Area, as described in s. 369.316.

d. The Everglades Protection Area, as defined in s. 373.4592(2).

e. The Florida Keys Area of Critical State Concern, as designated by s. 380.0552.

f. The City of Key West Area of Critical State Concern, as designated by the Administration Commission under s. 380.05.

2. Sub-subparagraphs 1.c.-f. are remedial in nature and apply retroactively to April 1, 2025.

(m) The court shall give priority to a civil action filed against a county for a violation of this subsection and render a preliminary or final decision in such action as expeditiously as possible.

(n) If a civil action is filed against a county for a violation of this subsection, the court must assess and award reasonable attorney fees and costs to the prevailing party. An award of reasonable attorney fees or costs pursuant to this paragraph may not exceed $500,000. In addition, a prevailing party may not recover any attorney fees or costs directly incurred by or associated with litigation to determine an award of reasonable attorney fees or costs.

(o) As used in this subsection, the term:

1. "Commercial use" means any activity associated with the sale, rental, or distribution of a product or the performance of a service related to such product. The term includes, but is not limited to, such uses or activities as retail sales; wholesale sales; rental of equipment, goods, or products; offices; restaurants; public lodging establishments as described in s. 509.242; food service vendors; sports arenas; theaters; tourist attractions; and other for-profit business activities. A parcel zoned to allow such use by right, without the requirement to obtain a variance or waiver, is considered commercial use for

purposes of this subsection, regardless of the listed category or title in the local land development regulations. The term does not include a home-based business or a cottage food operation performed on residential property, a public lodging establishment as described in s. 509.242, or a use that is accessory, ancillary, or incidental to the allowable use or allowed only on a temporary basis. In addition, the term does not include the following structures, regardless of their uses or zoning classifications:

a. A contributing structure or building within a historic district which was listed in the National Register of Historic Places before January 1, 2000.

b. A structure or building individually listed in the National Register of Historic Places.

2. "Industrial use" means any activity associated with the manufacture, assembly, processing, or storage of a product or the performance of a service related to such product. The term includes, but is not limited to, such uses or activities as automobile manufacturing or repair, boat manufacturing or repair, junk yards, meat packing facilities, citrus processing and packing facilities, produce processing and packing facilities, electrical generating plants, water treatment plants, sewage treatment plants, and solid waste disposal sites. A parcel zoned to allow such use by right, without the requirement to obtain a variance or waiver, is considered

industrial use for purposes of this subsection, regardless of the listed category or title in the local land development regulations. The term does not include a use that is accessory, ancillary, or incidental to the allowable use or allowed only on a temporary basis.

3. "Mixed use" means any use that combines multiple types of approved land uses from at least two of the residential use, commercial use, or industrial use categories. The term does not include uses that are accessory, ancillary, or incidental to the allowable uses or allowed only on a temporary basis.

4. "Planned unit development" has the same meaning as in s. 163.3202(5)(b).

(p) ~~(1)~~ This subsection expires October 1, 2033.

(8)(a) A proposed development on a parcel of land primarily developed and maintained as a golf course, a tennis court, or a swimming pool, regardless of the zoning of such parcel, may use the approval process provided in subsection (7).

(b) If a proposed development is on a parcel that is adjacent to, on two or more sides, a parcel zoned for single-family residential use, the county may restrict the height of the proposed development to 150 percent of the tallest residential building on any property adjacent to the proposed development, the highest height currently allowed or the highest height allowed on July 1, 2023, for the property provided in the county's land development regulations, or 3 stories, whichever

is highest. For purposes of this paragraph, the term "adjacent to" means those properties sharing more than one point of a property line, but does not include properties separated by a public road or body of water, including a man-made lake or pond.

(9)(a) Except as provided in paragraphs (b) and (d), a county may not impose or enforce a building moratorium that has the effect of delaying the permitting or construction of a multifamily residential or mixed-use residential development authorized under subsection (7).

(b) A county may, by ordinance, impose or enforce a building moratorium that has the effect of delaying the permitting or construction of a multifamily residential or mixed-use residential development for no more than 90 days within a 3-year period if, before the adoption of such ordinance, the county prepares or causes to be prepared an assessment of its need for affordable housing for extremely-low-income persons, very-low-income persons, low-income persons, and moderate-income persons, as defined in s. 420.0004, including projections of future need for the preceding 5 years. This assessment must be posted on the county's website by the date the notice of proposed ordinance adoption is published, and presented at the same public meeting at which the proposed ordinance is adopted by the board of county commissioners. This assessment must be included in the business impact estimate for

the enactment of a proposed ordinance as required by s. 125.66(3).

(c) If a civil action is filed against a county for a violation of this subsection, the court must assess and award reasonable attorney fees and costs to the prevailing party. An award of reasonable attorney fees or costs pursuant to this paragraph may not exceed $500,000. In addition, a prevailing party may not recover any attorney fees or costs directly incurred by or associated with litigation to determine an award of reasonable attorney fees or costs.

(d) This subsection does not apply to any moratorium that is imposed or enforced to address stormwater or flood water management, to address the supply of potable water, or due to the necessary repair of sanitary sewer systems, if such moratorium applies equally to all types of multifamily or mixed-use residential development.

(10)(a) Beginning June 30, 2026, each county must provide an annual report to the state land planning agency which must include:

1. Any litigation related to the violation of this section, the status of such litigation, and, if applicable, the final disposition.

2. Any action a county has taken on a proposed development project under this section, including, at minimum, the project

size, density, and intensity and the number of units and the number of affordable units for such project.

3. For a proposed development project that has been denied, any action a county has taken on such project and an explanation for why such action was taken.

(b) The state land planning agency shall submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding county compliance with this section.

Section 2. Subsection (7) of section 163.3202, Florida Statutes, is renumbered as subsection (8), and a new subsection (7) is added to that section to read:

163.3202 Land development regulations.—

(7)(a) It is the intent of the Legislature to increase the accessibility and public disclosure of the regulatory impact of local preservation ordinances for purposes of historic preservation.

(b) The designation by a local government of property or a district as a historic property or a historic district, and the adoption of land development regulations for purposes of historic preservation, shall be made by the adoption of a local preservation ordinance.

(c) Property that is designated by a local government as historic property or located in a historic district, or that is otherwise subject to land development regulations for purposes

of historic preservation, must be clearly identified on a map that is maintained by the local government. Property that is newly designated as historic property or a district that is newly designated as a historic district, and property that is newly subject to historic preservation regulations, must be included on the map within 30 days after such designation or the application of such regulation. The local government must post the map on its website no later than June 1, 2026, and include the contact information for the local government official who is responsible for providing public information about the local government's land development regulations for purposes of historic preservation.

(d) This subsection does not apply to a historic site or a historic district that is designated as such solely for the purpose of public recognition and which is not subject to land development regulations by virtue of the designation.

Section 3. Subsections (6) and (7) of section 166.04151, Florida Statutes, are amended, and new subsections (8), (9), and (10) are added to that section, to read:

166.04151 Affordable housing.—

(6) Notwithstanding any other law or local ordinance or regulation to the contrary, the governing body of a municipality may approve the development of housing that is affordable, as defined in s. 420.0004, including, but not limited to, a mixed-use residential development, on any parcel zoned for commercial

or industrial use, or on any parcel, including any contiguous parcel connected thereto, which is owned by a religious institution, as defined in s. 170.201(2), which contains a house of public worship, regardless of the underlying zoning, so long as at least 10 percent of the units included in the project are for housing that is affordable. The provisions of this subsection are self-executing and do not require the governing body to adopt an ordinance or a regulation before using the approval process in this subsection.

(7)(a) A municipality must authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use, and in portions of any flexibly zoned area such as a planned unit development permitted for commercial, industrial, or mixed use, if at least 40 percent of the residential units in a proposed multifamily development are rental units that, for a period of at least 30 years, are affordable as defined in s. 420.0004. Notwithstanding any other law, local ordinance, or regulation to the contrary, a municipality may not require a proposed multifamily development to obtain a zoning or land use change, special exception, conditional use approval, variance, transfer of density or development units, or comprehensive plan amendment for the building height, zoning, and densities authorized under this subsection. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential

purposes. A municipality may not require that more than 10 percent of the total square footage of such mixed-use residential projects be used for nonresidential purposes.

(b) A municipality may not restrict the density of a proposed development authorized under this subsection below the highest currently allowed density or the highest density allowed on July 1, 2023, on any land in the municipality where residential development is allowed under the municipality's land development regulations. For purposes of this paragraph, the term "highest currently allowed density" does not include the density of any building that met the requirements of this subsection or the density of any building that has received any bonus, variance, or other special exception for density provided in the municipality's land development regulations as an incentive for development.

(c) A municipality may not restrict the floor area ratio of a proposed development authorized under this subsection below 150 percent of the highest currently allowed floor area ratio or the highest floor area ratio allowed on July 1, 2023, on any land in the municipality where development is allowed under the municipality's land development regulations. For purposes of this paragraph, the term "highest currently allowed floor area ratio" does not include the floor area ratio of any building that met the requirements of this subsection or the floor area ratio of any building that has received any bonus, variance, or

other special exception for floor area ratio provided in the municipality's land development regulations as an incentive for development. For purposes of this subsection, the term "floor area ratio" includes floor lot ratio.

(d)1. A municipality may not restrict the height of a proposed development authorized under this subsection below the highest currently allowed height or the highest height allowed on July 1, 2023, for a commercial or residential building located in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher. For purposes of this paragraph, the term "highest currently allowed height" does not include the height of any building that met the requirements of this subsection or the height of any building that has received any bonus, variance, or other special exception for height provided in the municipality's land development regulations as an incentive for development.

2. If the proposed development is adjacent to, on two or more sides, a parcel zoned for single-family residential use that is within a single-family residential development with at least 25 contiguous single-family homes, the municipality may restrict the height of the proposed development to 150 percent of the tallest building on any property adjacent to the proposed development, the highest currently allowed height or the highest height allowed on July 1, 2023, for the property provided in the municipality's land development regulations, or 3 stories,

whichever is highest, but not to exceed 10 stories ~~higher~~. For the purposes of this paragraph, the term "adjacent to" means those properties sharing more than one point of a property line, but does not include properties separated by a public road or body of water, including a man-made lake or pond. For a proposed development located within a municipality within an area of critical state concern, as designated by s. 380.0552 and chapter 28-36, Florida Administrative Code, the term "story" includes only the habitable space beginning at the base flood elevation, as designated by the Federal Emergency Management Agency in the most recent Flood Insurance Rate Map. A story may not exceed 10 feet in height measured from finished floor to finished floor, including space for mechanical equipment. The highest story may not exceed 10 feet from finished floor to the top plate.

(e) A proposed development authorized under this subsection must be administratively approved without ~~and no~~ further action by the governing body of the municipality or any quasi-judicial or administrative board or reviewing body ~~is required~~ if the development satisfies the municipality's land development regulations for multifamily developments in areas zoned for such use and is otherwise consistent with the comprehensive plan, with the exception of provisions establishing allowable densities, floor area ratios, height, and land use. Such land development regulations include, but are not limited to, regulations relating to setbacks and parking

requirements. Unless a structure is, as of July 1, 2023, classified as "contributing" in a local government historic properties database, the removal or demolition of all or part of a structure does not require a public hearing for approval, to the extent such removal or demolition is pursuant to a proposed development authorized under this subsection. Notwithstanding the foregoing, the rear portion of a structure abutting or facing an alley may not be deemed "contributing." A proposed development located within one-quarter mile of a military installation identified in s. 163.3175(2) may not be administratively approved. Each municipality shall maintain on its website a policy containing procedures and expectations for administrative approval pursuant to this subsection. For the purposes of this paragraph, the term "allowable density" means the density prescribed for the property without additional requirements to procure and transfer density units or development units from other properties.

(f)1. A municipality must, upon request of an applicant, reduce ~~consider reducing~~ parking requirements by 20 percent for a proposed development authorized under this subsection if the development:

a. Is located within one-quarter mile of a transit stop, as defined in the municipality's land development code, and the transit stop is accessible from the development;~~.~~

~~2. A municipality must reduce parking requirements by at least 20 percent for a proposed development authorized under this subsection if the development:~~

b.~~a.~~ Is located within one-half mile of a major transportation hub that is accessible from the proposed development by safe, pedestrian-friendly means, such as sidewalks, crosswalks, elevated pedestrian or bike paths, or other multimodal design features; or~~.~~

c.~~b.~~ Has available parking within 600 feet of the proposed development which may consist of options such as on-street parking, parking lots, or parking garages available for use by residents of the proposed development. However, a municipality may not require that the available parking compensate for the reduction in parking requirements.

2.~~3.~~ A municipality must eliminate parking requirements for a proposed mixed-use residential development authorized under this subsection within an area recognized by the municipality as a transit-oriented development or area, as provided in paragraph (h).

3.~~4.~~ For purposes of this paragraph, the term "major transportation hub" means any transit station, whether bus, train, or light rail, which is served by public transit with a mix of other transportation options.

(g) A municipality that designates less than 20 percent of the land area within its jurisdiction for commercial or

industrial use must authorize a proposed multifamily development as provided in this subsection in areas zoned for commercial or industrial use only if the proposed multifamily development is mixed-use residential.

(h) A proposed development authorized under this subsection which is located within a transit-oriented development or area, as recognized by the municipality, must be mixed-use residential and otherwise comply with requirements of the municipality's regulations applicable to the transit-oriented development or area except for use, height, density, floor area ratio, and parking as provided in this subsection or as otherwise agreed to by the municipality and the applicant for the development.

(i) Except as otherwise provided in this subsection, a development authorized under this subsection must comply with all applicable state and local laws and regulations.

(j)1. Nothing in this subsection precludes a municipality from granting a bonus, variance, conditional use, or other special exception to height, density, or floor area ratio in addition to the height, density, and floor area ratio requirements in this subsection.

2. Nothing in this subsection precludes a proposed development authorized under this subsection from receiving a bonus for density, height, or floor area ratio pursuant to an ordinance or regulation of the jurisdiction where the proposed

development is located if the proposed development satisfies the conditions to receive the bonus except for any condition which conflicts with this subsection. If a proposed development qualifies for such bonus, the bonus must be administratively approved by the municipality and no further action by the governing body of the municipality is required.

(k) Notwithstanding any other law or local ordinance or regulation to the contrary, a municipality may allow an adjacent parcel of land to be included within a proposed multifamily development authorized under this subsection.

(l) This subsection does not apply to:

1. Airport-impacted areas as provided in s. 333.03.

2. Property defined as recreational and commercial working waterfront in s. 342.201(2)(b) in any area zoned as industrial.

3. The Wekiva Study Area, as described in s. 369.316.

4. The Everglades Protection Area, as defined in s. 373.4592(2).

5. The City of Key West Area of Critical State Concern, as designated by the Administration Commission under s. 380.05.

(m) The court shall give priority to a civil action filed against a municipality for a violation of this subsection and render a preliminary or final decision in such action as expeditiously as possible.

(n) If a civil action is filed against a municipality for a violation of this subsection, the court must assess and award

reasonable attorney fees and costs to the prevailing party. An award of reasonable attorney fees or costs pursuant to this paragraph may not exceed $500,000. In addition, a prevailing party may not recover any attorney fees or costs directly incurred by or associated with litigation to determine an award of reasonable attorney fees or costs.

(o) As used in this subsection, the term:

1. "Commercial use" means any activity associated with the sale, rental, or distribution of a product or the performance of a service related to such product. The term includes, but is not limited to, such uses or activities as retail sales; wholesale sales; rentals of equipment, goods, or products; offices; restaurants; public lodging establishments as described in s. 509.242; food service vendors; sports arenas; theaters; tourist attractions; and other for-profit business activities. A parcel zoned to allow such use by right, without the requirement to obtain a variance or waiver, is considered commercial use for purposes of this subsection, regardless of the listed category or title in the local land development regulations. The term does not include a home-based business or a cottage food operation performed on residential property, a public lodging establishment as described in s. 509.242, or a use that is accessory, ancillary, or incidental to the allowable use or allowed only on a temporary basis. In addition, the term does

not include the following structures, regardless of their uses or zoning classifications:

a. A contributing structure or building within a historic district which was listed in the National Register of Historic Places before January 1, 2000.

b. A structure or building individually listed in the National Register of Historic Places.

2. "Industrial use" means any activity associated with the manufacture, assembly, processing, or storage of a product or the performance of a service related to such product. The term includes, but is not limited to, such uses or activities as automobile manufacturing or repair, boat manufacturing or repair, junk yards, meat packing facilities, citrus processing and packing facilities, produce processing and packing facilities, electrical generating plants, water treatment plants, sewage treatment plants, and solid waste disposal sites. A parcel zoned to allow such use by right, without the requirement to obtain a variance or waiver, is considered industrial use for purposes of this subsection, regardless of the listed category or title in the local land development regulations. The term does not include a use that is accessory, ancillary, or incidental to the allowable use or allowed only on a temporary basis.

3. "Mixed use" means any use that combines multiple types of approved land uses from at least two of the residential use,

commercial use, or industrial use categories. The term does not include uses that are accessory, ancillary, or incidental to the allowable uses or allowed only on a temporary basis.

4. "Planned unit development" has the same meaning as in s. 163.3202(5)(b).

(p)~~(1)~~ This subsection expires October 1, 2033.

(8)(a) A proposed development on a parcel of land primarily developed and maintained as a golf course, a tennis court, or a swimming pool, regardless of the zoning of such parcel, may use the approval process provided in subsection (7).

(b) If a proposed development is on a parcel that is adjacent to, on two or more sides, a parcel zoned for single-family residential use, the municipality may restrict the height of the proposed development to 150 percent of the tallest residential building on any property adjacent to the proposed development, the highest height currently allowed or the highest height allowed on July 1, 2023, for the property provided in the municipality's land development regulations, or 3 stories, whichever is highest. For purposes of this paragraph, the term "adjacent to" means those properties sharing more than one point of a property line, but does not include properties separated by a public road or body of water, including a manmade lake or pond.

(9)(a) Except as provided in paragraphs (b) and (d), a municipality may not impose or enforce a building moratorium

that has the effect of delaying the permitting or construction of a multifamily residential or mixed-use residential development authorized under subsection (7).

(b) A municipality may, by ordinance, impose or enforce a building moratorium that has the effect of delaying the permitting or construction of a multifamily residential or mixed-use residential development for no more than 90 days within a 3-year period if, before the adoption of such ordinance, the municipality prepares or causes to be prepared an assessment of its need for affordable housing for extremely-low-income persons, very-low-income persons, low-income persons, and moderate-income persons, as defined in s. 420.0004, including projections of future need for the preceding 5 years. This assessment must be posted on the municipality's website by the date the notice of proposed ordinance adoption is published, and presented at the same public meeting at which the proposed ordinance is adopted by the governing body of the municipality. This assessment must be included in the business impact estimate for the enactment of a proposed ordinance as required by s. 166.041(4).

(c) If a civil action is filed against a municipality for a violation of this subsection, the court must assess and award reasonable attorney fees and costs to the prevailing party. An award of reasonable attorney fees or costs pursuant to this paragraph may not exceed $500,000. In addition, a prevailing

party may not recover any attorney fees or costs directly incurred by or associated with litigation to determine an award of reasonable attorney fees or costs.

(d) This subsection does not apply to any moratorium that is imposed or enforced to address stormwater or flood water management, to address the supply of potable water, or due to the necessary repair of sanitary sewer systems, if such moratorium applies equally to all types of multifamily or mixed-use residential development.

(10)(a) Beginning June 30, 2026, each municipality must provide an annual report to the state land planning agency which must include:

1. Any litigation related to the violation of this section, the status of such litigation, and, if applicable, the final disposition.

2. Any action a municipality has taken on a proposed development project under this section, including, at minimum, the project size, density, and intensity and the number of units and the number of affordable units for such project.

3. For a proposed development project that has been denied, any action a municipality has taken on such project and an explanation for why such action was taken.

(b) The state land planning agency shall submit an annual report to the Governor, the President of the Senate, and the

Speaker of the House of Representatives regarding municipality compliance with this section.

Section 4. Effective upon this act becoming a law, an applicant for a proposed development authorized under s. 125.01055(7), Florida Statutes, or s. 166.04151(7), Florida Statutes, who submits to a county or municipality, as applicable, an application, written request, or notice of intent to use such provisions and which application, written request, or notice of intent is received by the county or municipality, as applicable, before July 1, 2025, may give notice to the county or municipality no later than July 1, 2025, of the intent to proceed under s. 125.01055(7), Florida Statutes, or s. 166.04151(7), Florida Statutes, as applicable, as it existed at the time of submittal. A county or municipality, as applicable, shall allow an applicant who submits such application, written request, or notice of intent the opportunity to submit a revised application, written request, or notice of intent to account for the changes made by this act.

Section 5. Paragraphs (n) and (o) of subsection (3) of section 196.1978, Florida Statutes, are redesignated as paragraphs (o) and (p), respectively, and a new paragraph (n) is added to that subsection to read:

196.1978 Affordable housing property exemption.—

(3)

(n) Upon the request of a property owner, the property appraiser must issue a letter to verify that a multifamily project, if constructed and leased as described in the site plan, qualifies for the exemption under this section. Within 30 days after receipt of such request, the property appraiser must issue a verification letter or explain why the project is ineligible for the exemption. Verification of tenant eligibility for affordable housing is not required for determining eligibility for a property owner to qualify for the exemption under this section. A project that has received a verification letter before the adoption of the ordinance described in paragraph (p) is exempt from such ordinance. The verification letter is prima facie evidence that the project is eligible for the exemption if the project is constructed and leased as described in the site plan used to receive the verification letter. This letter shall qualify the project, if constructed and leased as described in the site plan, to obtain the exemption beginning with the January 1 assessment immediately after the date on which the property obtains a certificate of occupancy and is placed in service allowing the property to be used as an affordable housing property.

Section 6. Paragraph (a) of subsection (9) of section 380.0552, Florida Statutes, is amended to read:

380.0552 Florida Keys Area; protection and designation as area of critical state concern.—

(9) MODIFICATION TO PLANS AND REGULATIONS.—

(a) Any land development regulation or element of a local comprehensive plan in the Florida Keys Area may be enacted, amended, or rescinded by a local government, but the enactment, amendment, or rescission becomes effective only upon approval by the state land planning agency. The state land planning agency shall review the proposed change to determine if it is in compliance with the principles for guiding development specified in chapter 27F-8, Florida Administrative Code, as amended effective August 23, 1984, and must approve or reject the requested changes within 60 days after receipt. Amendments to local comprehensive plans in the Florida Keys Area must also be reviewed for compliance with the following:

1. Construction schedules and detailed capital financing plans for wastewater management improvements in the annually adopted capital improvements element, and standards for the construction of wastewater treatment and disposal facilities or collection systems that meet or exceed the criteria in s. 403.086(11) for wastewater treatment and disposal facilities or s. 381.0065(4)(l) for onsite sewage treatment and disposal systems.

2. Goals, objectives, and policies to protect public safety and welfare in the event of a natural disaster by maintaining a hurricane evacuation clearance time for permanent residents of no more than 24 hours <u>and 30 minutes</u>. The hurricane

evacuation clearance time shall be determined by a hurricane evacuation study conducted in accordance with a professionally accepted methodology and approved by the state land planning agency. For purposes of hurricane evacuation clearance time:

a. Mobile home residents are not considered permanent residents.

b. The City of Key West Area of Critical State Concern established by chapter 28-36, Florida Administrative Code, shall be included in the hurricane evacuation study and is subject to the evacuation requirements of this subsection.

3. To ensure the hurricane evacuation clearance time in this subsection is met, Monroe County, the City of Marathon, the Village of Islamorada, and the City of Key West shall each continue to maintain permit allocation systems, limiting the number of permits issued for new residential dwelling units. The Administration Commission shall distribute 825 permit allocations over a period of at least 10 years, as follows:

a. Monroe County shall receive 539 permit allocations with the following limitations:

I. All permits must be issued to vacant, buildable parcels.

II. Only one permit may be issued to an individual parcel.

III. Of the 539 permits issued, 377 permits shall be issued only for workforce housing.

b. The City of Marathon shall receive 187 permit allocations with the following limitations:

I. All permits must be issued to vacant, buildable parcels.

II. Only one permit may be issued to an individual parcel.

III. Distribution must prioritize allocations for owner-occupied residences, affordable housing, and workforce housing.

c. The Village of Islamorada shall receive 71 permit allocations with the following limitations:

I. All permits must be issued to vacant, buildable parcels.

II. Only one permit may be issued to an individual parcel.

III. Distribution must prioritize allocations for owner-occupied residences, affordable housing, and workforce housing.

d. The City of Key West shall receive 28 permit allocations. The housing constructed pursuant to such permits must be affordable as defined in s. 420.0004.

For purposes of this subparagraph, the term "workforce housing" means residential dwelling units restricted for a period of at least 99 years to occupancy by households that derive at least 70 percent of their household income from gainful employment in Monroe County, supplying goods or services to Monroe County residents or visitors.

Section 7. Paragraph (d) of subsection (1) of section 420.50871, Florida Statutes, is amended to read:

420.50871 Allocation of increased revenues derived from amendments to s. 201.15 made by ch. 2023-17.—Funds that result from increased revenues to the State Housing Trust Fund derived from amendments made to s. 201.15 made by chapter 2023-17, Laws of Florida, must be used annually for projects under the State Apartment Incentive Loan Program under s. 420.5087 as set forth in this section, notwithstanding ss. 420.507(48) and (50) and 420.5087(1) and (3). The Legislature intends for these funds to provide for innovative projects that provide affordable and attainable housing for persons and families working, going to school, or living in this state. Projects approved under this section are intended to provide housing that is affordable as defined in s. 420.0004, notwithstanding the income limitations in s. 420.5087(2). Beginning in the 2023-2024 fiscal year and annually for 10 years thereafter:

(1) The corporation shall allocate 70 percent of the funds provided by this section to issue competitive requests for application for the affordable housing project purposes specified in this subsection. The corporation shall finance projects that:

(d) Provide housing near military installations and United States Department of Veterans Affairs medical centers or outpatient clinics in this state, with preference given to

projects that incorporate critical services for servicemembers, their families, and veterans, such as mental health treatment services, employment services, and assistance with transition from active-duty service to civilian life.

Section 8. Section 420.5098, Florida Statutes, is created to read:

420.5098 Public sector and health care facility employer-sponsored affordable workforce housing policy.—

(1)(a) The Legislature finds that it is in the best interest of this state and this state's economy to provide affordable workforce housing to residents who are employed by health care facilities and governmental entities to recruit and retain high-quality professionals by incentivizing such employers to sponsor affordable housing opportunities.

(b) The Legislature further finds that pursuant to s. 42(g)(9)(B) of the Internal Revenue Code, a qualified low-income housing project does not fail to meet the general public use requirement solely because of occupancy restrictions or preferences that favor tenants who are members of a specified group under a state program or policy that supports housing for such specified group.

(c) It is the intent of the Legislature to establish a policy that supports the development of affordable workforce housing for employees of health care facilities and governmental entities.

(2) For purposes of this section, the term:

(a) "Governmental entity" means a state agency, a county agency, or any other entity, however styled, that independently exercises any type of state or local function. The term includes a public school, state university, or Florida College System institution, and a special district as defined in s. 189.012.

(b) "Health care facility" has the same meaning as in s. 159.27(16).

(3) It is the policy of this state to support affordable workforce housing for employees of health care facilities and governmental entities. A developer that receives federal low-income housing tax credits allocated pursuant to s. 420.5099, local or state funds, or other sources of funding available to finance the development of affordable housing may give priority to the development of such housing for employees of health care facilities and governmental entities. Such priority must conform to the requirements of s. 42(g)(9) of the Internal Revenue Code.

Section 9. Subsection (8) of section 760.22, Florida Statutes, is amended to read:

760.22 Definitions.—As used in ss. 760.20-760.37, the term:

(8) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in

bankruptcy, receivers, ~~and~~ fiduciaries, and any other legal or commercial entity; a state agency; and any other governmental entity or agency.

Section 10. Section 760.26, Florida Statutes, is amended to read:

760.26 Prohibited discrimination in land use decisions and in permitting of development.—It is unlawful to discriminate in land use decisions or in the permitting of development based on race, color, national origin, sex, disability, familial status, religion;~~, or,~~ except as otherwise provided by law, based on the source of financing of a development or proposed development; or based on a development or proposed development being for housing that is affordable as defined in s. 420.0004.

Section 11. It is the intent of the Legislature that the amendments made by this act to s. 760.26, Florida Statutes, are remedial and clarifying in nature and apply retroactively to any cause of action filed on or before the effective date of this act.

Section 12. Subsection (4) of section 760.35, Florida Statutes, is amended to read:

760.35 Civil actions and relief; administrative procedures.—

(4) If the court finds that a person has committed a discriminatory housing practice ~~has occurred~~, it shall issue an order prohibiting the practice and providing affirmative relief

from the effects of the practice, including injunctive and other equitable relief, actual and punitive damages, and reasonable attorney fees and costs. In accordance with s. 13, Art. X of the State Constitution, the state, for itself and its agencies or political subdivisions, waives sovereign immunity for causes of action based on the application of this section.

Section 13. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2025.

T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to real property and land use and development; amending ss. 125.01055 and 166.04151, F.S.; authorizing the board of county commissioners and the governing body of a municipality, respectively, to approve the development of housing that is affordable on certain parcels owned by religious institutions; requiring counties and municipalities, respectively, to authorize multifamily and mixed-use residential as allowable uses in specified areas; prohibiting counties and municipalities, respectively, from requiring a proposed multifamily development to obtain a transfer

of density or development units; prohibiting counties and municipalities, respectively, from requiring a specified percentage of total square footage of mixed-residential projects be used for nonresidential purposes; prohibiting counties and municipalities, respectively, from restricting the density of a proposed development below the highest density allowed on a specified date; prohibiting counties and municipalities, respectively, from restricting the floor area ratio of a proposed development below a certain percentage of the highest floor area ratio allowed on a specified date; prohibiting counties and municipalities, respectively, from restricting the height of a proposed development below the highest height allowed on a specified date; revising an exception; revising the definition of the term "adjacent to"; providing construction; requiring that a proposed development be administratively approved without further action by the board of county commissioners or governing body of a municipality, respectively, or any quasi-judicial or administrative board or reviewing body; providing that the removal or demolition of all or part of a structure does not require a public hearing for approval in certain circumstances; defining the term "allowable density";

requiring counties and municipalities, respectively, to reduce parking requirements by a specified percentage in certain circumstances; authorizing counties and municipalities, respectively, to allow adjacent parcels of land to be included within a proposed multifamily development; revising applicability; requiring courts to give priority to civil actions filed against counties and municipalities, respectively, and render certain decisions as expeditiously as possible; requiring courts to assess and award reasonable attorney fees and costs to the prevailing party in such actions; limiting the amount and recovery of such fees and costs; providing definitions; authorizing a certain approval process for proposed developments on parcels of land developed and maintained for specified purposes; authorizing counties and municipalities, respectively, to restrict the height of such proposed developments in certain circumstances; defining the term "adjacent to"; prohibiting counties and municipalities, respectively, from imposing or enforcing a building moratorium that delays the permitting or construction of multifamily residential or mixed-use residential development; providing an exception; requiring the court to assess and award

reasonable attorney fees and costs not to exceed a specified amount; prohibiting the award of such fees and costs in certain circumstances; providing applicability; providing reporting requirements beginning on a date certain; amending s. 163.3202, F.S.; providing legislative intent; requiring the local government to designate certain property as historic by the adoption of a local preservation ordinance; requiring such property to be clearly identified on a map maintained by the local government; requiring property that is newly designated as historic to be included on the map within a specified time period; requiring the local government to post the map on its website by a specified date and include certain additional information; providing applicability; authorizing certain applicants to give notice of intent to counties or municipalities, respectively, by a date certain to proceed under specified provisions; requiring such counties and municipalities, respectively, to allow such applicants the opportunity to submit revised notices; amending s. 196.1978, F.S.; requiring property appraisers to issue verification letters relating to multifamily projects qualifying for affordable housing property exemption in certain

circumstances; providing that such verification is prima facie evidence that the project is eligible for exemption; providing a date on which such exemption begins; amending s. 380.0552, F.S.; revising provisions relating to the Florida Keys Area of Critical State Concern; defining the term "workforce housing"; amending s. 420.50871, F.S.; revising the types of affordable housing projects that the Florida Housing Corporation is required to finance; creating s. 420.5098, F.S.; providing legislative findings and intent; providing definitions; establishing state policy to support affordable workforce housing for employees of health care facilities and governmental entities; authorizing certain developers to give priority to the development of such housing for employees of health care facilities and governmental entities; requiring that such priority conform to certain federal provisions; amending s. 760.22, F.S.; revising the definition of the term "person"; amending s. 760.26, F.S.; prohibiting discrimination in land use decisions and in permitting of development based on a development or proposed development being for housing that is affordable; providing construction and retroactive application; amending s. 760.35, F.S.; waiving sovereign immunity of the state for

discriminatory housing practices; providing effective dates.