

Amendment No. 2

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WITHDRAWN	_____	(Y/N)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		

1 Committee/Subcommittee hearing bill: Housing, Agriculture &
2 Tourism Subcommittee
3 Representative Lopez, V. offered the following:

Amendment (with title amendment)

Remove lines 563-917 and insert:

Section 4. Subsections (1), (6), (7), and (8) of section 166.04151, Florida Statutes, are amended, and subsections (9) through (12) are added to that section, to read:

166.04151 Affordable housing.—

(1) Notwithstanding any other provision of law, a municipality may adopt and maintain in effect any law, ordinance, rule, or other measure that is adopted for the purpose of increasing the supply of affordable housing using land use mechanisms such as inclusionary housing or linkage fee ordinances. A municipality may not adopt or enforce any law,

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17 ordinance, rule, or other measure that limits or prohibits
18 affordable housing, including, but not limited to, any measure
19 that is adopted for the purpose of limiting the maximum
20 percentage of units within a certain geographic area or within a
21 certain distance from another affordable housing project, or
22 that otherwise prohibits affordable housing in areas zoned for
23 such use.

24 (6) Notwithstanding any other law or local ordinance or
25 regulation to the contrary, the governing body of a municipality
26 may approve the development of housing that is affordable, as
27 defined in s. 420.0004, including, but not limited to, a mixed-
28 use residential development, on any parcel zoned for commercial
29 or industrial use, or on any parcel, including any contiguous
30 parcel connected thereto, that is owned by a religious
31 institution, as defined in s. 170.201(2), that contains a house
32 of public worship, regardless of the underlying zoning, so long
33 as at least 10 percent of the units included in the project are
34 for housing that is affordable. The provisions of this
35 subsection are self-executing and do not require the governing
36 body to adopt an ordinance or a regulation before using the
37 approval process in this subsection.

38 (7) (a) As used in this subsection, regardless of
39 terminology used in a municipality's land development
40 regulations, the term:

41 1. "Allowable density" means the density prescribed for

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42 the property without additional requirements to procure and
43 transfer density units or development units from other
44 properties.

45 2. "Allowable use" means the intended uses identified in a
46 municipality's land development regulations which are authorized
47 within a zoning category as a use by right, without the
48 requirement to obtain a variance or waiver. The term does not
49 include uses that are accessory, ancillary, or incidental to the
50 allowable uses or allowed only on a temporary basis.

51 3. "Commercial use" means activities associated with the
52 sale, rental, or distribution of products or the sale or
53 performance of services. The term includes, but is not limited
54 to, retail, office, entertainment, and other for-profit business
55 activities.

56 4. "Industrial use" means activities associated with the
57 manufacture, assembly, processing, or storage of products or the
58 performance of related services.

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

61 (b)1.(a) Notwithstanding any other law, local ordinance,
62 or regulation to the contrary, including any local moratorium
63 established after March 29, 2023, a municipality must authorize
64 multifamily and mixed-use residential as allowable uses on any
65 site owned by the municipality, a district school board, a
66 religious institution as defined in s. 170.201(2), and in any

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67 area zoned for commercial, industrial, or mixed use, any planned
68 unit development permitted for commercial, industrial, or mixed
69 use, or in any zoning district not zoned solely for use as a
70 single-family home or duplex, if at least 40 percent of the
71 residential units in a proposed multifamily or mixed-used
72 residential development are rental units that, for a period of
73 at least 30 years, are affordable as defined in s. 420.0004(3)
74 s. 420.0004. A municipality shall authorize the inclusion of an
75 adjacent parcel of land as part of the multifamily development,
76 regardless of the land use designation of the adjacent parcel,
77 if the residential units to be built on the adjacent parcel
78 comply with the requirements of this subsection.

79 2. Notwithstanding any other law, local ordinance, or
80 regulation to the contrary, a municipality may not require a
81 proposed multifamily or mixed-use residential development to
82 obtain an amendment to a development of regional impact,
83 amendment to a development agreement, or amendment to a
84 restrictive covenant or a zoning or land use change, special
85 exception, conditional use approval, variance, ~~or~~ comprehensive
86 plan amendment, or any other approval for the building height,
87 zoning, and densities authorized under this subsection.

88 3. For mixed-use residential projects, at least 65 percent
89 of the total square footage must be used for residential
90 purposes.

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91 A municipality may not require more than 10 percent of the total
92 square footage to be used for nonresidential purposes.

93 4. Notwithstanding any local land development regulation
94 categorization or title, areas zoned for mixed use shall be
95 defined as areas that include both residential and
96 nonresidential uses, regardless of whether the residential or
97 nonresidential uses are permitted as principal use, conditional
98 use, ancillary use, special use, unusual use, accessory use,
99 planned unit development, or planned development. Nonresidential
100 use includes, but is not limited to, retail, office, hotel,
101 lodging, civic, institutional, parking, utilities, or other
102 commercial uses.

103 5. Affordable or workforce units that receive any
104 incentive under subsection (4) also qualify as affordable under
105 this subsection as long as the units satisfy the requirements of
106 s. 420.0004 and the local regulations.

107 (c) ~~(b)~~ A municipality may not directly restrict or take
108 action that has the effect of restricting the density of a
109 proposed multifamily or mixed-use residential development
110 authorized under this subsection below the highest ~~currently~~
111 ~~allowed~~ density allowed on or after July 1, 2023, on any land in
112 the municipality where residential development is allowed under
113 the municipality's land development regulations. For purposes of
114 this paragraph, the term "highest ~~currently allowed~~ density"
115 does not include the density of any building that met the

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116 requirements of this subsection or the density of any building
117 that has received any bonus, variance, or other special
118 exception for density provided in the municipality's land
119 development regulations as an incentive for development. For
120 purposes of this paragraph, to "directly restrict" or to "take
121 action that has the effect of restricting" density includes
122 requirements to procure or transfer density units or development
123 units from other properties.

124 (d) A municipality may not directly restrict or take
125 action that has the effect of restricting the maximum lot size
126 of a proposed multifamily or mixed-use residential development
127 authorized under this paragraph below the largest maximum lot
128 size allowed on or after July 1, 2023, on any land in the
129 municipality where multifamily or mixed-use residential
130 development is allowed pursuant to the municipality's land
131 development regulations. A municipality may not restrict the
132 maximum lot coverage of a proposed multifamily or mixed-use
133 residential development authorized under this paragraph below 70
134 percent.

135 (e) ~~(e)~~ A municipality may not directly restrict or take
136 action that has the effect of restricting the floor area ratio
137 of a proposed multifamily or mixed-use residential development
138 authorized under this subsection below 150 percent of the
139 highest ~~currently allowed~~ floor area ratio allowed on or after
140 July 1, 2023, on any land in the municipality where development

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141 is allowed under the municipality's land development
142 regulations. For purposes of this paragraph, the term "highest
143 ~~currently allowed~~ floor area ratio" does not include the floor
144 area ratio of any building that met the requirements of this
145 subsection or the floor area ratio of any building that has
146 received any bonus, variance, or other special exception for
147 floor area ratio provided in the municipality's land development
148 regulations as an incentive for development. For purposes of
149 this subsection, the term "floor area ratio" includes floor lot
150 ratio.

151 (f)-(d)1. A municipality may not directly restrict or take
152 action that has the effect of restricting the height of a
153 proposed multifamily or mixed-use residential development
154 authorized under this subsection below the highest ~~currently~~
155 allowed height allowed on or after July 1, 2023, for a
156 commercial or residential building located in its jurisdiction
157 within 1 mile of the proposed development or 3 stories,
158 whichever is higher. For purposes of this paragraph, the term
159 "highest ~~currently allowed~~ height" includes the height of the
160 tallest existing building located in its jurisdiction within 1
161 mile of the proposed development if the existing building
162 exceeds the highest height allowed on or after July 1, 2023.
163 However, the term does not include the height of any building
164 that met the requirements of this subsection or the height of
165 any building that has received any bonus, variance, or other

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166 special exception for height provided in the municipality's land
167 development regulations as an incentive for development.

168 2. If the proposed multifamily or mixed-use residential
169 development is adjacent to, on two or more sides, a parcel zoned
170 for single-family residential use that is within a single-family
171 residential development with at least 25 contiguous single-
172 family homes, the municipality may restrict the height of the
173 proposed development to 150 percent of the tallest building on
174 any property adjacent to the proposed development, the highest
175 ~~currently allowed~~ height allowed on or after July 1, 2023, for
176 the property provided in the municipality's land development
177 regulations, or 3 stories, whichever is higher. For the purposes
178 of this paragraph, the term "adjacent to" means those properties
179 sharing more than one point of a property line, but does not
180 include properties separated by a public road.

181 (g)1.(e) A proposed multifamily or mixed-use residential
182 development authorized under this subsection must be
183 administratively approved and ~~no~~ further action or approval by
184 the governing body of the municipality or any quasi-judicial
185 board of the reviewing body is not authorized ~~required~~ if the
186 development satisfies the municipality's land development
187 regulations for multifamily or mixed-use residential
188 developments as of July 1, 2023, in areas zoned for such use,
189 density, intensity, and height, and is otherwise consistent with
190 the comprehensive plan, with the exception of provisions

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191 establishing ~~allowable~~ densities, floor area ratios, height, and
192 land use, including mixed use and minimum nonresidential or
193 commercial floor area requirements. The removal or demolition of
194 an existing structure to be performed as part of the proposed
195 development must also be administratively approved. A proposed
196 development authorized under this subsection must be treated as
197 a conforming use, notwithstanding the municipality's
198 comprehensive plan, future land use designation, or zoning. Such
199 ~~land development regulations include, but are not limited to,~~
200 ~~regulations relating to setbacks and parking requirements.~~

201 2. A municipality may not initiate or enforce zoning-in-
202 progress or a building moratorium on a proposed development that
203 is subject to this subsection and for which the municipality has
204 approved the development's preliminary site plan.

205 3. A proposed development located within one-quarter mile
206 of a military installation identified in s. 163.3175(2) may not
207 be administratively approved.

208 4. Each municipality shall maintain on its website a
209 policy containing the zoning map and zoning regulations in
210 effect on July 1, 2023, and the procedures and expectations for
211 administrative approval pursuant to this subsection.

212 (h) ~~(f)~~1. A municipality must reduce ~~consider reducing~~
213 parking requirements by at least 20 percent for a proposed
214 development authorized under this subsection, or by 100 percent
215 for structures that are 20,000 square feet or less ~~if the~~

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

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

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

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

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

238 4. For purposes of this paragraph, the term "major
239 transportation hub" means any transit station, whether bus,
240 train, or light rail, which is served by public transit with a

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241 mix of other transportation options.

242 ~~(i)(g)~~ A municipality that designates less than 20 percent
243 of the land area within its jurisdiction for commercial or
244 industrial use must authorize a proposed multifamily development
245 as provided in this subsection in areas zoned for commercial or
246 industrial use only if the proposed multifamily development is
247 mixed-use residential.

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

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

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

265 2. Nothing in this subsection precludes a proposed

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266 development authorized under this subsection from receiving a
267 bonus for density, height, or floor area ratio pursuant to an
268 ordinance or regulation of the jurisdiction where the proposed
269 development is located if the proposed development satisfies the
270 conditions to receive the bonus except for any condition which
271 conflicts with this subsection. If a proposed development
272 qualifies for such bonus, the bonus must be administratively
273 approved by the municipality and no further action by the
274 governing body of the municipality is required.

275 (l) A municipality shall approve building permit plan
276 review for a proposed development within 60 days authorized
277 under this subsection, and prioritize building permit plan
278 review for projects authorized under this subsection over other
279 development projects.

280 (m) Notwithstanding s. 57.112(6), the prevailing party in
281 a challenge under this subsection is entitled to recover
282 attorney fees and costs, including reasonable appellate attorney
283 fees and costs.

284 (n) ~~(k)~~ This subsection does not apply to:

- 285 1. Airport-impacted areas as provided in s. 333.03.
- 286 2. Property defined as recreational and commercial working
287 waterfront in s. 342.201(2)(b) in any area zoned as industrial.

288 (o) After July 1, 2023, if a municipality adopts an
289 ordinance or resolution, or makes any other decision, and such
290 ordinance, resolution, or decision has the effect, either

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291 directly or indirectly, of:

292 1. Limiting the height, floor area ratio, or density of a
293 project under this section;

294 2. Unreasonably delaying the development or construction
295 of a project under this section, including, but not limited to,
296 imposing a moratorium;

297 3. Restricting the manner in which affordable units are
298 developed or accessed within a project or regulating the types
299 of units in the project; or

300 4. Restricting or limiting a project under this section in
301 any other way,

302
303 then such ordinance, resolution, or decision shall be deemed
304 preempted. If a property owner files a site plan application
305 under this section with a municipality, the administrative
306 review process must be based only on the land development
307 regulations in effect as of the date of filing the application.

308 (p) The regulation of affordable housing under this
309 subsection is expressly preempted to the state. This subsection
310 supersedes any local government ordinances, resolutions, or any
311 other local regulations, including local moratoriums, on matters
312 covered under this subsection.

313 (q) If an action is filed against a local government to
314 challenge the adoption or enforcement of a local ordinance,
315 resolution, or other local regulation on the grounds that it is

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316 expressly preempted by general law under this subsection, the
317 court shall expedite the proceeding and render a decision within
318 30 days after service of process. Notice of appeal shall be
319 filed and served within 30 days from the rendition of the
320 judgment appealed from. The Supreme Court shall adopt rules by
321 October 1, 2025, to ensure the proceedings are handled
322 expeditiously and in a manner consistent with this subsection.

323 (r)(1) This subsection expires October 1, 2033.

324 (8) Any development authorized under paragraph (7) (b)
325 ~~(7)(a)~~ must be treated as a conforming use even after the
326 expiration of subsection (7) and the development's affordability
327 period as provided in paragraph (7) (b) ~~(7)(a)~~, notwithstanding
328 the municipality's comprehensive plan, future land use
329 designation, or zoning. If at any point during the development's
330 affordability period the development violates the affordability
331 period requirement provided in paragraph (7) (b) ~~(7)(a)~~, the
332 development must be allowed a reasonable time to cure such
333 violation. If the violation is not cured within a reasonable
334 time, the development must be treated as a nonconforming use.

335 (9) A municipality's review or approval of an application
336 for a development permit or development order may not be
337 conditioned on the:

338 (a) Waiver, forbearance, acquisition, transfer, or
339 abandonment of any development right authorized by this section;
340 or

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341 (b) Procurement or transfer of density units or
342 development units.

343

344 Any such waiver, forbearance, acquisition, transfer,
345 procurement, or abandonment is void.

346 (10) (a) Beginning June 30, 2026, each municipality must
347 provide an annual report to the state land planning agency that
348 includes:

349 1. All litigation initiated under subsection (9), the
350 status of the case, and, if applicable, the final disposition.

351 2. All actions the municipality has taken on any proposed
352 project under this section, including, at minimum, the project
353 size, density, and intensity, and the number of units and the
354 number of affordable units for such proposed project.

355 3. For any proposed development that is denied or not
356 accepted, all actions the municipality has taken relating to
357 such proposed development and an explanation for why such
358 actions were taken.

359 (b) The state land planning agency shall provide an annual
360 report to the Governor, the President of the Senate, and the
361 Speaker of the House of Representatives regarding municipal
362 compliance with this section.

363 (11) A municipality may not impose a building moratorium
364 that has the effect of delaying the permitting of construction
365 of a multifamily project that would otherwise qualify for:

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366 (a) An affordable housing ad valorem tax exemption under
367 s. 196.1978 or s. 196.1979.

368 (b) Any grant loan or other incentive provided for the
369 development of affordable housing under chapter 420.

370 (c) Any abatement of development restrictions under
371 subsection (7).

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373 -----

374

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

375

Remove lines 3-101 and insert:

376

development; amending s. 125.01055, F.S.; requiring

377

the board of county commissioners to approve the

378

development of housing that is affordable if certain

379

requirements are met; providing definitions; requiring

380

counties to authorize multifamily and mixed-use

381

residential as allowable uses on sites owned by

382

specified entities and in planned unit developments

383

for specified use, if certain conditions are met;

384

requiring counties to include adjacent land as part of

385

multifamily development, regardless of land use

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designation, if certain conditions are met;

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prohibiting counties from requiring a proposed mixed-

388

use residential development to obtain certain

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amendments; prohibiting counties from requiring more

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than a certain percentage of total square footage to

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391 be used for specified purposes; requiring a specified
392 definition of areas zoned for mixed use; providing
393 that certain affordable or workforce units also
394 qualify as affordable housing; prohibiting counties
395 from restricting the density of a proposed multifamily
396 or mixed-use residential development below the highest
397 density on or after a specified date; prohibiting
398 counties from restricting the maximum lot size of a
399 proposed multifamily or mixed-use residential
400 development below the highest maximum lot size on or
401 after a specified date; prohibiting counties from
402 restricting the floor area ratio of a proposed
403 multifamily or mixed-use residential development below
404 a certain percentage allowed on or after a specified
405 date; prohibiting counties from restricting the height
406 of a proposed multifamily or mixed-use residential
407 development below the highest height on or after a
408 specified date; revising the ability of counties to
409 restrict the height of multifamily or mixed-use
410 residential developments that are adjacent specified
411 parcels to the highest height allowed on or after a
412 specified date; requiring administrative approval of
413 proposed multifamily or mixed-use residential
414 developments without a public hearing in certain
415 instances; prohibiting counties from initiating or

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416 enforcing zoning-in-progress or building moratoriums
417 in certain instances; requiring counties to maintain
418 on its website a specified policy; requiring a county
419 to reduce certain parking requirements by a specified
420 percentage; requiring counties to approve, within a
421 specified time frame, building permit plan review for
422 proposed developments; providing for the awarding of
423 attorney fees and costs under certain conditions;
424 providing that if a county adopts an ordinance or
425 resolution, or makes any other decision, after a
426 specified date having certain listed effects, the
427 ordinance, resolution, or decision is deemed
428 preempted; preempting the regulation of affordable
429 housing to the state; providing that the
430 administrative review process of a site plan filed
431 with a county must be based on land development
432 regulations in effect as of the date of filing the
433 application; requiring courts to expedite proceedings
434 and render an order within a specified timeframe if an
435 action is filed against a local government based on
436 preemption grounds; requiring notice of appeal to be
437 filed and served within a specified timeframe from
438 such judgment; requiring the Supreme Court to adopt
439 rules by a specified date for such expedited
440 proceedings; prohibiting counties from conditioning

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441 review or approval of applications for development
442 permits or orders on the waiver, forbearance, or
443 abandonment of any development right; deeming such
444 actions to be void; providing certain reporting
445 requirements beginning on a specified date; providing
446 reporting requirements; prohibiting the imposition of
447 a building moratorium under certain circumstances;
448 providing that certain property owners have a cause of
449 action; authorizing a court to provide specified
450 relief, costs, and fees; providing a maximum award;
451 providing that certain property owners have specified
452 rights; amending s. 163.31801, F.S.; requiring an
453 exception or waiver for a specified percentage of the
454 impact fees for certain developments; amending s.
455 166.041, F.S.; revising procedures to require that
456 resolutions with certain subjects be based on a
457 certain finding by the governing body for adoption of
458 such resolutions; amending s. 166.04151, F.S.;

459 prohibiting municipalities from adopting or enforcing
460 specified laws, ordinances, rules, or other measures
461 relating to affordable housing; authorizing
462 municipalities to approve the development of housing
463 that is affordable on any parcel that is owned by a
464 specified religious institution; providing
465 definitions; requiring counties and municipalities,

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466 respectively, to authorize multifamily and mixed-use
467 residential as allowable uses on sites owned by
468 specified entities and in planned unit developments
469 for specified use, if certain conditions are met;
470 requiring counties and municipalities, respectively,
471 to include adjacent land as part of multifamily
472 development, regardless of land use designation, if
473 certain conditions are met; prohibiting
474 municipalities from requiring a proposed multifamily
475 development to acquire or transfer density, density
476 units, or development units or obtain certain
477 amendments or approval; prohibiting municipalities
478 from restricting or taking action that has the effect
479 of restricting the density of a proposed multifamily
480 or mixed-use residential development below the highest
481 density on or after a specified date; providing
482 construction; prohibiting municipalities from
483 restricting or taking action that has the effect of
484 restricting the maximum lot size of a proposed
485 multifamily or mixed-use residential development below
486 the largest maximum lot size on or after a specified
487 date; prohibiting municipalities from restricting or
488 taking action that has the effect of restricting the
489 floor area ratio of a proposed multifamily or mixed-
490 use residential development below a certain percentage

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491 allowed on or after a specified date; prohibiting
492 municipalities from restricting or taking action that
493 has the effect of restricting the height of a proposed
494 multifamily or mixed-use residential development below
495 the highest height on or after a specified date;
496 providing construction; revising the ability of
497 municipalities to restrict the height of multifamily
498 or mixed-use residential developments that are
499 adjacent specified parcels to the highest height
500 allowed on or after a specified date; requiring
501 administrative approval of proposed multifamily or
502 mixed-use residential developments with no further
503 action or approval in certain instances; requiring
504 such developments to be treated as a conforming use,
505 notwithstanding certain land development regulations;
506 prohibiting municipalities from initiating or
507 enforcing zoning-in-progress or building moratoriums
508 in certain instances; requiring municipalities to
509 maintain on its website a specified policy; requiring
510 municipalities to reduce certain parking requirements
511 by a specified percentage; requiring municipalities to
512 approve, within a specified time frame, building
513 permit plan review for proposed developments;
514 providing for the awarding of attorney fees and costs
515 under certain conditions; providing that if a

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516 municipality adopts an ordinance or resolution, or
517 makes any other decision, after a specified date
518 having certain listed effects, the ordinance,
519 resolution, or decision is deemed preempted;
520 preempting the regulation of affordable housing to the
521 state; requiring courts to expedite proceedings and
522 render an order within a specified timeframe if an
523 action is filed against a local government based on
524 preemption grounds; requiring notice of appeal to be
525 filed and served within a specified timeframe from
526 such judgment; requiring the Supreme Court to adopt
527 rules by a specified date for such expedited
528 proceedings; prohibiting municipalities from
529 conditioning review or approval of applications for
530 development permits or orders on the waiver,
531 forbearance, acquisition, transfer, or abandonment of
532 any development right, or the procurement or transfer
533 of density units or development units; deeming such
534 actions to be void; providing certain reporting
535 requirements beginning on a specified date; providing
536 reporting requirements; prohibiting the imposition of
537 a building moratorium under certain circumstances;
538 providing that the owner of an administratively
539 approved proposed development has a vested right to

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540 | proceed with development under certain circumstances;
541 | amending s. 163.2517, F.S.; requiring that proposed