

Amendment No. 5

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WITHDRAWN	_____	(Y/N)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:
 4

Amendment (with title amendment)

Remove lines 1361-1654 and insert:

Section 11. Subsection (5) of section 333.03, Florida

Statutes, is amended to read:

333.03 Requirement to adopt airport zoning regulations.—

(5) Sections 125.01055(7) and 166.04151(7) do not apply to any of the following:

(a) A proposed development ~~near a runway~~ within one-quarter of a mile laterally from the runway edge and within an area that is the width of one-quarter of a mile extending at right angles from the end of the runway for a distance of 10,000 feet of any runway for an existing commercial service airport

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17 ~~runway~~ or planned commercial service airport runway identified
18 in the local government's airport master plan. As used in this
19 paragraph, the term "commercial service airport" has the same
20 meaning as in s. 332.0075(1).

21 (b) A proposed development within any airport noise zone
22 identified in the federal land use compatibility table or in a
23 land-use zoning or airport noise regulation adopted by the local
24 government for a commercial service airport.

25 (c) A proposed development that exceeds maximum height
26 restrictions identified in the political subdivision's airport
27 zoning regulation for a commercial service airport adopted
28 pursuant to this section.

29 **Section 12. Paragraph (d) of subsection (1) of section**
30 **420.50871, Florida Statutes, is amended, and paragraph (e) is**
31 **added to subsection (1) of that section, to read:**

32 420.50871 Allocation of increased revenues derived from
33 amendments to s. 201.15 made by ch. 2023-17.—Funds that result
34 from increased revenues to the State Housing Trust Fund derived
35 from amendments made to s. 201.15 made by chapter 2023-17, Laws
36 of Florida, must be used annually for projects under the State
37 Apartment Incentive Loan Program under s. 420.5087 as set forth
38 in this section, notwithstanding ss. 420.507(48) and (50) and
39 420.5087(1) and (3). The Legislature intends for these funds to
40 provide for innovative projects that provide affordable and
41 attainable housing for persons and families working, going to

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42 school, or living in this state. Projects approved under this
43 section are intended to provide housing that is affordable as
44 defined in s. 420.0004, notwithstanding the income limitations
45 in s. 420.5087(2). Beginning in the 2023-2024 fiscal year and
46 annually for 10 years thereafter:

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

52 (d) Provide housing near military installations and United
53 States Department of Veterans Affairs medical centers or
54 outpatient clinics in this state, with preference given to
55 projects that incorporate critical services for servicemembers,
56 their families, and veterans, such as mental health treatment
57 services, employment services, and assistance with transition
58 from active-duty service to civilian life.

59 (e) Provide housing in areas of critical housing shortage
60 for essential service and high-demand career employees through a
61 public-private housing partnership agreement with major public
62 and private sector employers for whom housing shortages are
63 affecting the recruitment and retention of workers. Public and
64 private sector employers that partner with developers on these
65 projects shall provide land and financial support for the
66 housing projects. Housing may not be exclusive to any specific

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67 employee group.

68 **Section 13. Section 702.13, Florida Statutes, is created**
69 **to read:**

70 702.13 Expedited foreclosure proceedings for abandoned
71 real property.-

72 (1) As used in this section, the term:

73 (a) "Abandoned real property" means residential real
74 property that a homeowner does not continue to occupancy or use,
75 and at least three of the following indications of abandonment
76 are met:

77 1. Furnishings and personal items consistent with
78 residential occupancy are not present on the property;

79 2. Public utility services, such as gas, electric, or
80 water utilities, are disconnected;

81 3. Windows on the property are boarded up or closed off;
82 smashed, broken, or unhinged; or window panes are broken and
83 unrepaired;

84 4. Statements are provided by neighbors, delivery agents,
85 or government employees that the property is vacant;

86 5. Doors on the property are substantially damaged,
87 broken, unhinged, or conspicuously open;

88 6. The property is stripped of copper or any other
89 nonferrous metal, including, but not limited to, copper, copper
90 alloy, brass, aluminum, bronze, lead, zinc, nickel, and alloys
91 thereof, or any interior fixtures are removed;

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92 7. At least one report has been received by law
93 enforcement officials of trespassing, vandalism, or other
94 illegal activity on the property within the immediately
95 preceding 6 months;

96 8. The property has been declared unfit for occupancy and
97 ordered to remain vacant and unoccupied under an order issued by
98 a municipal authority or county authority, or by a court of
99 competent jurisdiction;

100 9. Construction has been initiated on the property but is
101 discontinued before completion, leaving the property unsuitable
102 for occupancy, and construction has not taken place for at least
103 12 months;

104 10. Newspapers, circulars, flyers, or mail has accumulated
105 on the property or the United States Postal Service has
106 discontinued delivery to the property;

107 11. Rubbish, trash, debris, neglected vegetation, or
108 natural overgrowth has accumulated on the property;

109 12. Hazardous, noxious, or unhealthy substances or
110 materials have accumulated on the property;

111 13. The homeowner or a representative for the property
112 cannot be reached after a credible attempt to communicate; or

113 14. Other credible indications exist indicating that the
114 homeowner has vacated and abandoned the property.

115 (b) "Claimant" means a person or entity claiming a legal
116 right to initiate a foreclosure action, including:

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- 117 1. A mortgagee as defined in s. 701.041.
- 118 2. A tax lienholder or a tax certificate holder pursuant
119 to chapter 197.
- 120 3. A homeowners' association or a condominium association
121 enforcing a lien pursuant to s. 718.116 or s. 720.3085.
- 122 4. A county, municipality, or other governmental entity
123 enforcing a lien for:
- 124 a. Code violations pursuant to chapter 162.
- 125 b. Utility services pursuant to chapter 159 or local
126 ordinance.
- 127 c. Environmental cleanup pursuant to chapters 376 and 403.
- 128 d. Special assessments pursuant to chapters 170 and 197.
- 129 5. A mechanic or laborer enforcing a lien under part II
130 of chapter 713.
- 131 6. A judgment lienholder pursuant to chapter 55.
- 132 7. State tax authorities enforcing a lien pursuant to s.
133 213.758 or s. 192.091, including a lien for unpaid taxes
134 administered by the Florida Department of Revenue.
- 135 8. Special districts, including, but not limited to,
136 Community Development Districts, enforcing a lien pursuant to
137 chapters 189 and 190.
- 138 9. Other governmental or quasi-governmental entities,
139 including water management districts and public hospital boards,
140 enforcing a lien pursuant to s. 373.503 or s. 154.02.
- 141 10. A lienholder authorized to request an order to show

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142 cause for the entry of final judgment in a foreclosure action
143 pursuant to s. 702.10.

144 11. Any other person or entity authorized by general law
145 to initiate a foreclosure action or enforce a lien against real
146 property.

147 (c) "Delinquent party" means the person or entity against
148 whom a foreclosure action has been initiated, including, but not
149 limited to, a person or entity in arrears or default under the
150 terms of a lien, a mortgage, or any other obligation.

151 (d) "Mortgagor" has the same meaning as in s.
152 701.041(1)(d).

153 (e) "Real property" has the same meaning as in s. 475.801.

154 (2)(a) In a foreclosure proceeding under this chapter
155 involving residential real property, the claimant may file a
156 motion with the trial court for a judicial determination that
157 the residential real property is abandoned real property. The
158 claimant must file a sworn affidavit with the trial court
159 attesting that the residential real property is "abandoned real
160 property," as defined in subsection (1), and any other relevant
161 documentation, including photographic documentation.

162 (b) Upon filing of the motion, the trial court shall set
163 the date and time for a hearing on the motion, which must be
164 conducted at least 15 days but no more than 25 days after the
165 filing of the motion.

166 (3)(a) The claimant shall give written notice to the

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167 homeowner and to each known delinquent party. Notice shall be
168 promptly delivered or sent pursuant to s. 715.104(3) to the last
169 known mailing address of the homeowner and to each known
170 delinquent party. In addition, notice shall be sent to the last
171 known e-mail address of the homeowner and to each known
172 delinquent party, and shall be given by telephone communication
173 to the last known telephone number of the homeowner and each
174 known delinquent party. Notice under this paragraph must include
175 the following information:

176 1. State that a motion has been filed with the trial court
177 to make a judicial determination as to whether the residential
178 real property is abandoned real property and that a hearing
179 regarding the motion has been set.

180 2. State the contact information of the trial court to
181 which the motion was filed and the date and location of the
182 hearing on the motion.

183 3. State the definition of abandoned real property
184 pursuant to subsection (1).

185 4. State the possible outcomes if the court makes a
186 judicial determination that the residential real property is
187 abandoned real property, including the possibility of an
188 expeditious foreclosure on the property.

189 5. State that the homeowner or delinquent party has the
190 right to file an affidavit attesting to legal residence at the
191 property, or any other documentation of legal residence at the

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192 property, at the time of the hearing and may appear personally
193 or by way of an attorney at the hearing.

194 6. State that a mortgagor, lawful occupant, or adverse
195 possessor of the residential real property under s. 95.18 may
196 contact the trial court for information about the motion and
197 hearing or to object on the record to the motion.

198 7. Provide copies of the motion and any documentation in
199 support of the motion, including photographic and other relevant
200 documentation.

201 (b) The claimant shall conspicuously post on the
202 residential real property a notice printed in at least 12-point
203 uppercase and boldfaced type. The notice must state the
204 information in paragraph (a)1.-6. The claimant shall file with
205 the trial court photographic documentation of compliance with
206 this paragraph after posting the notice on the residential real
207 property.

208 (4) (a) At the hearing on the motion, if the trial court
209 finds by a preponderance of the evidence that the residential
210 real property is abandoned real property, the court shall render
211 a declaratory judgment in favor of the claimant and immediately
212 proceed to a trial of foreclosure pursuant to this chapter.

213 (b) If the trial court finds at the foreclosure trial that
214 the abandoned real property meets all requirements necessary to
215 enter a judgement of foreclosure pursuant to s. 702.036, the
216 court must promptly order the clerk to schedule a public sale of

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217 the abandoned real property pursuant to s. 45.031.

218 (5) (a) If a mortgagor, a lawful occupant, or a person
219 claiming adverse possession pursuant to s. 95.18 objects to the
220 trial court's judicial determination under subsection(4) (a) and
221 submits the appropriate documentation with the court, the court
222 may not enter a declaratory judgment in favor of the claimant.

223 (b) If, before the sale of the abandoned real property
224 pursuant to subsection (4) (b), a mortgagor, a lawful occupant,
225 or a person claiming adverse possession pursuant to s. 95.18
226 presents sufficient evidence to the court that the property is
227 not abandoned real property, the court shall rescind the orders
228 it issued pursuant to subsection (4) (a) and (b).

229 (6) (a) This section applies to residential real property
230 that is abandoned. Residential real property is abandoned if:

231 1. The homeowner or delinquent party delivers a written,
232 signed statement declaring the residential real property to be
233 abandoned; or

234 2. The residential real property is considered "abandoned
235 real property," as defined in subsection (1).

236 (b) This section does not apply to residential real
237 property that is:

238 1. Subject to an action to quiet title pursuant to s.
239 65.011, s. 65.021, s. 65.061, or s. 65.071.

240 2. Subject to a probate action pursuant to chapter 733.

241 3. The subject of any other litigation where the ownership

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242 of the property is actively disputed.

243 4. An unoccupied dwelling or building undergoing
244 construction, renovation, or any other manner of rehabilitation,
245 which complies with all applicable state and local permitting
246 requirements and regulations.

247 **Section 14. Subsection (8) of section 760.22, Florida**
248 **Statutes, is amended to read:**

249 760.22 Definitions.—As used in ss. 760.20–760.37, the
250 term:

251 (8) "Person" includes one or more individuals,
252 corporations, partnerships, associations, labor organizations,
253 legal representatives, mutual companies, joint-stock companies,
254 trusts, unincorporated organizations, trustees, trustees in
255 bankruptcy, receivers, and fiduciaries, and any other legal or
256 commercial entity; the state; or any governmental entity or
257 agency.

258 **Section 15. Section 760.26, Florida Statutes, is amended**
259 **to read:**

260 760.26 Prohibited discrimination in land use decisions and
261 in permitting of development.—It is unlawful to discriminate in
262 land use decisions or in the permitting of development based on
263 race, color, national origin, sex, disability, familial status,
264 religion, or, except as otherwise provided by law, the source of
265 financing of a development or proposed development or based on
266 the development or proposed development being affordable housing

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267 as defined under s. 420.0004(3).

268 **Section 16.** It is the intent of the Legislature that the
269 amendment to s. 760.26, Florida Statutes, is remedial and
270 clarifying in nature, and shall apply retroactively for any
271 causes of action filed on or before the effective date of the
272 passage of this act.

273 **Section 17. Subsection (4) of section 760.35, Florida**
274 **Statutes, is amended to read:**

275 760.35 Civil actions and relief; administrative
276 procedures.—

277 (4) If the court finds that a person has committed a
278 discriminatory housing practice has occurred, it shall issue an
279 order prohibiting the practice and providing affirmative relief
280 from the effects of the practice, including injunctive and other
281 equitable relief, actual and punitive damages, and reasonable
282 attorney fees and costs. In accordance with s. 13, Art. X of the
283 State Constitution, the state, for itself and its agencies or
284 political subdivisions, waives sovereign immunity for causes of
285 action based on the application of this section.

286 **Section 18. Subsection (29) of section 479.01, Florida**
287 **Statutes, is amended to read:**

288 479.01 Definitions.—As used in this chapter, the term:

289 (29) "Zoning category" means the designation under the
290 land development regulations or other similar ordinance enacted
291 to regulate the use of land as provided in s. 163.3202(2)(c) s-

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292 ~~163.3202(2)(b)~~, which designation sets forth the allowable uses,
293 restrictions, and limitations on use applicable to properties
294 within the category.

295 **Section 19.9. Subsection (12) of section 1001.43, Florida**
296 **Statutes, is amended to read:**

297 1001.43 Supplemental powers and duties of district school
298 board.—The district school board shall ~~may~~ exercise the
299 following supplemental powers and duties as authorized by this
300 code or State Board of Education rule.

301 (12) AFFORDABLE HOUSING.—

302 (a) A district school board shall ~~may~~ use portions of
303 school sites purchased within the guidelines of the State
304 Requirements for Educational Facilities, land deemed not usable
305 for educational purposes because of location or other factors,
306 or land declared as surplus by the board ~~to provide sites for~~
307 ~~affordable housing for teachers and other district personnel~~
308 ~~and, in areas of critical state concern, for other essential~~
309 ~~services personnel as defined by local affordable housing~~
310 ~~eligibility requirements, independently or in conjunction with~~
311 ~~other agencies as described in subsection (5).~~

312 (b) Each district school board shall adopt best practices
313 for surplus land programs, including, but not limited to:

314 1. Establishing eligibility criteria for the receipt or
315 purchase of surplus land by developers.

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- 316 2. Making the process for requesting surplus lands
317 publicly available.
- 318 3. Ensuring long-term affordability through ground leases
319 by retaining the right of first refusal to purchase property
320 that would be sold or offered at market rate and by requiring
321 reversion of property not used for affordable housing within a
322 certain timeframe.
- 323 4. Each district school board's most recent and all future
324 educational plan surveys conducted pursuant to s. 235.15 shall
325 be updated to include an inventory list of such surplus lands.

327 -----
328 **T I T L E A M E N D M E N T**

329 Remove lines 157-167 and insert:
330 instances; providing applicability; amending s.
331 760.22, F.S.; revising the definition of the term
332 "person"; amending s. 760.26, F.S.; prohibiting
333 discrimination in land use decisions and in permitting
334 of development based on a development or proposed
335 development being affordable housing; providing
336 applicability; amending s. 760.35, F.S.; revising
337 provisions relating to the issuance of a court order
338 prohibiting a discriminatory housing practice;
339 providing for waiver of sovereign immunity; amending
340 s. 479.01, F.S.; conforming a cross-reference;

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341 | amending s. 1001.43, F.S.; requiring district school
342 | boards to exercise specified supplemental powers and
343 | duties as it related to affordable housing; providing
344 | an effective date.