

1 A bill to be entitled
2 An act relating to real property and land use and
3 development; amending s. 125.01055, F.S.; prohibiting
4 counties from adopting or enforcing specified laws,
5 ordinances, rules, or other measures relating to
6 affordable housing; authorizing the board of county
7 commissioners to approve the development of housing
8 that is affordable on any parcel that is owned by a
9 specified religious institution; providing
10 definitions; requiring counties to authorize
11 multifamily and mixed-use residential as allowable
12 uses on parcels owned and authorized by specified
13 entities and in planned unit developments for
14 specified use, if certain conditions are met;
15 authorizing counties to include adjacent land as part
16 of multifamily development, regardless of land use
17 designation, if certain conditions are met; providing
18 applicability; prohibiting counties from requiring a
19 proposed multifamily development to acquire or
20 transfer density, density units, or development units
21 or obtain certain amendments or approval; prohibiting
22 counties from requiring more than a certain percentage
23 of total square footage to be used for specified
24 purposes; providing that certain affordable or
25 workforce units also qualify as affordable housing;

26 prohibiting counties from restricting or taking action
27 that has the effect of restricting the density of a
28 proposed multifamily or mixed-use residential
29 development below the highest density allowed on or
30 after a specified date; providing construction;
31 prohibiting counties from restricting or taking action
32 that has the effect of restricting the maximum lot
33 size of a proposed multifamily or mixed-use
34 residential development below the largest maximum lot
35 size allowed on or after a specified date; prohibiting
36 counties from restricting or taking action that has
37 the effect of restricting the floor area ratio of a
38 proposed multifamily or mixed-use residential
39 development below a certain percentage allowed on or
40 after a specified date; prohibiting counties from
41 restricting or taking action that has the effect of
42 restricting the height of a proposed multifamily or
43 mixed-use residential development below the highest
44 height allowed on or after a specified date; revising
45 the ability of counties to restrict the height of
46 multifamily or mixed-use residential developments that
47 are adjacent to specified parcels to the highest
48 height allowed on or after a specified date; requiring
49 administrative approval of proposed multifamily or
50 mixed-use residential developments with no further

51 action or approval in certain instances; requiring
52 such developments to be treated as a conforming use,
53 notwithstanding certain land development regulations;
54 prohibiting counties from initiating or enforcing
55 zoning-in-progress or building moratoriums in certain
56 instances; providing applicability; requiring each
57 county to maintain on its website a specified policy;
58 requiring counties to reduce certain parking
59 requirements by a specified percentage; requiring
60 counties to approve, within a specified timeframe,
61 building permit plan reviews for proposed
62 developments; providing for the awarding of attorney
63 fees and costs under certain conditions; providing
64 that if a county adopts an ordinance or resolution, or
65 makes any other decision, after a specified date
66 having certain effects, the ordinance, resolution, or
67 decision is deemed preempted; providing that the
68 administrative review process of a site plan filed
69 with a county must be based on land development
70 regulations in effect as of the date of filing the
71 application; preempting the regulation of affordable
72 housing to the state; requiring courts to expedite
73 proceedings and render an order within a specified
74 timeframe if an action is filed against a local
75 government based on preemption grounds; requiring

notice of appeal to be filed and served within a specified timeframe from such judgment; requiring the Supreme Court to adopt rules by a specified date for such expedited proceedings; prohibiting counties from conditioning review or approval of applications for development permits or orders on the waiver, forbearance, acquisition, transfer, or abandonment of any development right, or the procurement or transfer of density units or development units; deeming such actions to be void; providing applicability; providing reporting requirements for counties and the state land planning agency; prohibiting the imposition of a building moratorium under certain circumstances; providing applicability; providing that the owner of an administratively approved proposed development has a vested right to proceed with development under certain circumstances; amending s. 163.31801, F.S.; requiring an exception or waiver for a specified percentage of the impact fees for certain developments; amending s. 166.041, F.S.; requiring that ordinances designating property as a historic landmark require a map to be readily available; requiring municipalities to submit such maps to the State Historic Preservation Officer by a specified date; requiring that resolutions designating certain

101 privately owned property as a historic landmark be
102 based on a certain finding by the governing body for
103 adoption of such resolutions; amending s. 166.04151,
104 F.S.; prohibiting municipalities from adopting or
105 enforcing specified laws, ordinances, rules, or other
106 measures relating to affordable housing; authorizing
107 municipalities to approve the development of housing
108 that is affordable on any parcel that is owned by
109 specified religious institutions; providing
110 definitions; requiring municipalities to authorize
111 multifamily and mixed-use residential as allowable
112 uses on parcels owned and authorized by specified
113 entities and in planned unit developments for
114 specified use, if certain conditions are met;
115 authorizing municipalities to include adjacent land as
116 part of multifamily development, regardless of land
117 use designation, if certain conditions are met;
118 providing applicability; prohibiting municipalities
119 from requiring a proposed multifamily development to
120 acquire or transfer density, density units, or
121 development units or obtain certain amendments or
122 approval; prohibiting municipalities from requiring
123 more than a certain percentage of total square footage
124 to be used for specified purposes; providing that
125 certain affordable or workforce units also qualify as

affordable housing; prohibiting municipalities from restricting or taking action that has the effect of restricting the density of a proposed multifamily or mixed-use residential development below the highest density allowed on or after a specified date; prohibiting municipalities from restricting or taking action that has the effect of restricting the maximum lot size of a proposed multifamily or mixed-use residential development below the largest maximum lot size allowed on or after a specified date; prohibiting municipalities from restricting or taking action that has the effect of restricting the floor area ratio of a proposed multifamily or mixed-use residential development below a certain percentage allowed on or after a specified date; prohibiting municipalities from restricting or taking action that has the effect of restricting the height of a proposed multifamily or mixed-use residential development below the highest height allowed on or after a specified date; revising the ability of municipalities to restrict the height of multifamily or mixed-use residential developments that are adjacent to specified parcels to the highest height allowed on or after a specified date; requiring administrative approval of proposed multifamily or mixed-use residential developments with no further

151 action or approval in certain instances; requiring
152 such developments to be treated as a conforming use,
153 notwithstanding certain land development regulations;
154 prohibiting municipalities from initiating or
155 enforcing zoning-in-progress or building moratoriums
156 in certain instances; providing applicability;
157 requiring each municipality to maintain on its website
158 a specified policy; requiring municipalities to reduce
159 certain parking requirements by a specified
160 percentage; requiring municipalities to approve,
161 within a specified timeframe, building permit plan
162 reviews for proposed developments; providing for the
163 awarding of attorney fees and costs under certain
164 conditions; providing that if a municipality adopts an
165 ordinance or resolution, or makes any other decision,
166 after a specified date having certain effects, the
167 ordinance, resolution, or decision is deemed
168 preempted; providing that the administrative review
169 process of a site plan filed with a municipality must
170 be based on land development regulations in effect as
171 of the date of filing the application; preempting the
172 regulation of affordable housing to the state;
173 requiring courts to expedite proceedings and render an
174 order within a specified timeframe if an action is
175 filed against a local government based on preemption

176 grounds; requiring notice of appeal to be filed and
177 served within a specified timeframe from such
178 judgment; requiring the Supreme Court to adopt rules
179 by a specified date for such expedited proceedings;
180 prohibiting municipalities from conditioning review or
181 approval of applications for development permits or
182 orders on the waiver, forbearance, acquisition,
183 transfer, or abandonment of any development right, or
184 the procurement or transfer of density units or
185 development units; deeming such actions to be void;
186 providing applicability; providing reporting
187 requirements for municipalities and the state land
188 planning agency; prohibiting the imposition of a
189 building moratorium under certain circumstances;
190 providing applicability; providing that the owner of
191 an administratively approved proposed development has
192 a vested right to proceed with development under
193 certain circumstances; amending s. 163.31771, F.S.;
194 revising the definition of the term "accessory
195 dwelling unit"; defining the term "department";
196 requiring local governments to adopt ordinances as
197 they relate to accessory dwelling units; prohibiting
198 local governments from increasing costs of
199 construction of accessory dwelling units; providing
200 exceptions; prohibiting accessory dwelling units from

201 being leased for less than a specified term; requiring
202 local governments to submit annual reports beginning
203 on a specified date to the Department of Commerce and
204 post such reports on the local governments' websites;
205 providing requirements for the reports; authorizing
206 the department to adopt rules; prohibiting an owner of
207 property with an accessory dwelling unit from being
208 denied a homestead exemption or homestead property
209 assessment limitation solely on the basis of the
210 property containing an accessory dwelling unit;
211 establishing requirements for homestead purposes if an
212 accessory dwelling unit is rented by the property
213 owner; requiring an accessory dwelling unit that is
214 not rented to be considered part of homestead
215 property; amending s. 196.1978, F.S.; requiring the
216 property appraiser to issue a letter to verify that a
217 multifamily project qualifies for the affordable
218 housing exemption; exempting such project from a
219 certain ordinance in certain circumstances; providing
220 that a verification letter is prima facie evidence
221 that such project is eligible for an exemption in
222 certain circumstances; establishing the date on which
223 such project qualifies to obtain an exemption;
224 amending s. 196.1979, F.S.; authorizing the board of
225 county commissioners or the governing body of a

226 municipality to exempt specified portions of property
227 within multifamily projects and accessory dwelling
228 units used to provide affordable housing; revising ad
229 valorem property tax exemption provisions for
230 accessory dwelling units; amending s. 333.03, F.S.;
231 revising applicability for certain proposed
232 developments; defining the term "commercial service
233 airport"; amending s. 420.50871, F.S.; expanding the
234 scope of financing of affordable housing projects to
235 include certain housing; creating s. 420.5098, F.S.;
236 providing legislative findings; providing definitions;
237 providing legislative policy; authorizing the Florida
238 Housing Finance Corporation to fund certain housing
239 projects within a specified time that will provide
240 affordable housing in specified areas for specified
241 individuals through a public-private housing
242 partnership agreement; requiring certain participating
243 employers to provide land or other financial support
244 to such individuals; amending s. 760.22, F.S.;
245 revising the definition of the term "person"; amending
246 s. 760.26, F.S.; prohibiting discrimination in land
247 use decisions and in permitting of development based
248 on a development or proposed development being
249 affordable housing; providing applicability; amending
250 s. 760.35, F.S.; revising provisions relating to the

issuance of a court order prohibiting a discriminatory housing practice; providing for waiver of sovereign immunity; amending s. 479.01, F.S.; conforming a cross-reference; amending s. 1001.43, F.S.; requiring district school boards to exercise specified supplemental powers and duties relating to affordable housing; providing an effective date.

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

Section 1. Subsections (1), (6), (7), and (8) of section 125.01055, Florida Statutes, are amended, and subsections (9) through (12) are added to that section, to read:

125.01055 Affordable housing.—

(1) Notwithstanding any other provision of law, a county 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 county may not adopt or enforce any law, ordinance, rule, or other measure that limits or prohibits affordable housing, including, but not limited to, any measure that is adopted for the purpose of limiting the maximum percentage of affordable housing units within a project within a certain geographic area or within a certain distance from another affordable housing project, or

276 that otherwise prohibits affordable housing in areas zoned for
277 such use.

278 (6) Notwithstanding any other law or local ordinance or
279 regulation to the contrary, the board of county commissioners
280 may approve the development of housing that is affordable, as
281 defined in s. 420.0004, including, but not limited to, a mixed-
282 use residential development, on any parcel zoned for commercial
283 or industrial use, or on any parcel, including any contiguous
284 parcel connected thereto, that is owned by a religious
285 institution, as defined in s. 170.201(2), that contains a house
286 of public worship, regardless of the underlying zoning, so long
287 as at least 10 percent of the units included in the project are
288 for housing that is affordable. The provisions of this
289 subsection are self-executing and do not require the board of
290 county commissioners to adopt an ordinance or a regulation
291 before using the approval process in this subsection.

292 (7)(a) As used in this subsection, regardless of
293 terminology used in a county's land development regulations, the
294 term:

295 1. "Allowable density" means the density prescribed for
296 the property without additional requirements to procure and
297 transfer density units or development units from other
298 properties.

299 2. "Allowable use" means the intended uses identified in a
300 county's land development regulations which are authorized

301 within a zoning category as a use by right, without the
302 requirement to obtain a variance or waiver. The term does not
303 include uses that are accessory, ancillary, or incidental to the
304 allowable uses or allowed only on a temporary basis.

305 3. "Commercial use" means activities associated with the
306 sale, rental, or distribution of products or the sale or
307 performance of services. The term includes, but is not limited
308 to, retail, office, entertainment, hotels, and other for-profit
309 business activities. The term does not include vacation rentals
310 as classified in s. 509.242(1)(c); home-based businesses or
311 cottage food operations performed on residential property; or
312 uses that are accessory, ancillary, or incidental to the
313 allowable uses or allowed only on a temporary basis.

314 4. "Industrial use" means activities associated with the
315 manufacture, assembly, processing, or storage of products or the
316 performance of related services.

317 5. "Mixed use" means areas that include both residential
318 and nonresidential uses, notwithstanding any local land
319 development regulation categorization or title, regardless of
320 whether the residential or nonresidential uses are permitted as
321 principal use, conditional use, ancillary use, special use,
322 unusual use, accessory use, planned unit development, or planned
323 development. Nonresidential use includes, but is not limited to,
324 retail, office, hotel, lodging, civic, institutional, parking,
325 utilities, or other commercial uses.

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

328 (b)1.(a) Notwithstanding any other law, local ordinance,
329 or regulation to the contrary, including any local moratorium
330 established after March 29, 2023, a county must authorize
331 multifamily and mixed-use residential as allowable uses on any
332 parcel owned and authorized by the county, a district school
333 board, or a religious institution as defined in s. 170.201(2),
334 and in any area zoned for commercial, industrial, or mixed use;
335 or on any parcel within a planned unit development permitted for
336 commercial, industrial, or mixed use, if at least 40 percent of
337 the residential units in a proposed multifamily or mixed-use
338 residential development are rental units that, for a period of
339 at least 30 years, are affordable as defined in s. 420.0004. A
340 county may authorize the inclusion of an adjacent parcel of land
341 as part of the multifamily development, regardless of the land
342 use designation of the adjacent parcel, if the residential units
343 to be built on the adjacent parcel comply with the requirements
344 of this subsection. This subparagraph does not apply to
345 moratoria imposed to address stormwater or flood water
346 management, to address the supply of potable water, or due to
347 the necessary repair of sanitary sewer systems, if such
348 moratoria apply equally to all types of multifamily or mixed-use
349 residential development.

350 2. Notwithstanding any other law, local ordinance, or

351 regulation to the contrary, a county may not require a proposed
352 multifamily or mixed-use residential development to acquire or
353 transfer density, density units, or development units or obtain
354 an amendment to a development of regional impact, amendment to a
355 development agreement, or amendment to a restrictive covenant or
356 a zoning or land use change, special exception, conditional use
357 approval, variance, ~~or~~ comprehensive plan amendment, or any
358 other approval for the building height, zoning, and densities
359 authorized under this subsection.

360 3. For mixed-use residential projects, at least 65 percent
361 of the total square footage must be used for residential
362 purposes. A county may not require more than 10 percent of the
363 total square footage to be used for nonresidential purposes.

364 4. Affordable or workforce units that qualify for
365 incentives under local regulations as contemplated by subsection
366 (4) may also qualify as affordable under this subsection if the
367 units satisfy the requirements of s. 420.0004 and the local
368 regulations.

369 (c) ~~(b)~~ A county may not directly restrict or take action
370 that has the effect of restricting the density of a proposed
371 multifamily or mixed-use residential development authorized
372 under this subsection below the highest ~~currently allowed~~
373 density allowed on or after July 1, 2023, on any unincorporated
374 land in the county where residential development is allowed
375 under the county's land development regulations. For purposes of

376 this paragraph, the term "highest ~~currently allowed~~ density"
377 does not include the density of any building that met the
378 requirements of this subsection or the density of any building
379 that has received any bonus, variance, or other special
380 exception for density provided in the county's land development
381 regulations as an incentive for development. For purposes of
382 this paragraph, to "directly restrict" or to "take action that
383 has the effect of restricting" density includes requirements to
384 procure or transfer density units or development units from
385 other properties.

386 (d) A county may not directly restrict or take action that
387 has the effect of restricting the maximum lot size of a proposed
388 multifamily or mixed-use residential development authorized
389 under this paragraph below the largest maximum lot size allowed
390 on or after July 1, 2023, on any unincorporated land in the
391 county where multifamily or mixed-use residential development is
392 allowed pursuant to the county's land development regulations. A
393 county may not restrict the maximum lot coverage of a proposed
394 multifamily or mixed-use residential development authorized
395 under this paragraph below 70 percent.

396 (e)-(e) A county may not directly restrict or take action
397 that has the effect of restricting the floor area ratio of a
398 proposed multifamily or mixed-use residential development
399 authorized under this subsection below 150 percent of the
400 highest ~~currently allowed~~ floor area ratio allowed on or after

401 May 16, 2024, on any unincorporated land in the county where
402 development is allowed under the county's land development
403 regulations. For purposes of this paragraph, the term "highest
404 ~~currently allowed~~ floor area ratio" does not include the floor
405 area ratio of any building that met the requirements of this
406 subsection or the floor area ratio of any building that has
407 received any bonus, variance, or other special exception for
408 floor area ratio provided in the county's land development
409 regulations as an incentive for development. For purposes of
410 this subsection, the term "floor area ratio" includes floor lot
411 ratio.

412 (f)-(d)1. A county may not directly restrict or take action
413 that has the effect of restricting the height of a proposed
414 multifamily or mixed-use residential development authorized
415 under this subsection below the highest ~~currently allowed~~ height
416 allowed on or after July 1, 2023, for a commercial or
417 residential building located in its jurisdiction within 1 mile
418 of the proposed development or 3 stories, whichever is higher.
419 For purposes of this paragraph, the term "highest ~~currently~~
420 ~~allowed~~ height" does not include the height of any building that
421 met the requirements of this subsection or the height of any
422 building that has received any bonus, variance, or other special
423 exception for height provided in the county's land development
424 regulations as an incentive for development.

425 2. If the proposed multifamily or mixed-use residential

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 allowed on or after July 1, 2023, for the property provided in the county's land development regulations, or 3 stories, whichever is 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.

(g)1.(e) A proposed multifamily or mixed-use residential development authorized under this subsection must be administratively approved and ~~no~~ further action by the board of county commissioners or any quasi-judicial board of the reviewing body is not authorized ~~required~~ if the development satisfies the county's land development regulations for multifamily or mixed-use residential developments in areas zoned for such use, density, intensity, and height, and is otherwise consistent with the comprehensive plan, with the exception of provisions establishing ~~allowable~~ densities, floor area ratios, height, and land use, including mixed-use and minimum nonresidential or commercial floor area requirements. The removal or demolition of an existing structure to be performed

451 as part of the proposed development must also be
452 administratively approved. A proposed development authorized
453 under this subsection must be treated as a conforming use,
454 notwithstanding the county's comprehensive plan, future land use
455 designation, or zoning. Such land development regulations
456 ~~include, but are not limited to, regulations relating to~~
457 ~~setbacks and parking requirements.~~

458 2. A county may not initiate or enforce zoning-in-progress
459 or a building moratorium on a proposed development that is
460 subject to this subsection and for which the county has approved
461 the development's preliminary site plan. This subparagraph does
462 not apply to moratoria imposed to address stormwater or flood
463 water management, to address the supply of potable water, or due
464 to the necessary repair of sanitary sewer systems, if such
465 moratoria apply equally to all types of multifamily or mixed-use
466 residential development.

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

470 4. Each county shall maintain on its website a policy
471 containing the zoning map and zoning regulations as outlined in
472 this section and the procedures and expectations for
473 administrative approval pursuant to this subsection.

474 ~~(h)-(f)1-~~ (h)1- A county must reduce ~~consider reducing~~ parking
475 requirements by at least 20 percent for a proposed development

476 authorized under this subsection, or by 100 percent for
477 structures that are 20,000 square feet or less ~~if the~~
478 ~~development is located within one-quarter mile of a transit~~
479 ~~stop, as defined in the county's land development code, and the~~
480 ~~transit stop is accessible from the development.~~

481 ~~2. A county must reduce parking requirements by at least~~
482 ~~20 percent for a proposed development authorized under this~~
483 ~~subsection if the development:~~

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

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

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

499 ~~4. For purposes of this paragraph, the term "major~~
500 ~~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.~~

(i)~~(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.

(j)~~(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.

(k)~~(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.

(l)~~(j)~~1. Nothing in this subsection precludes a county from granting a bonus, variance, conditional use, or other

526 special exception for height, density, or floor area ratio in
527 addition to the height, density, and floor area ratio
528 requirements in this subsection.

529 2. Nothing in this subsection precludes a proposed
530 development authorized under this subsection from receiving a
531 bonus for density, height, or floor area ratio pursuant to an
532 ordinance or regulation of the jurisdiction where the proposed
533 development is located if the proposed development satisfies the
534 conditions to receive the bonus except for any condition which
535 conflicts with this subsection. If a proposed development
536 qualifies for such bonus, the bonus must be administratively
537 approved by the county and no further action by the board of
538 county commissioners is required.

539 (m) A county shall approve a building permit plan review
540 for a proposed development within 60 business days as authorized
541 under this subsection, and prioritize a building permit plan
542 review for projects authorized under this subsection over other
543 development projects.

544 (n) Notwithstanding s. 57.112(6), the prevailing party in
545 a challenge under this subsection is entitled to recover
546 attorney fees and costs, including reasonable appellate attorney
547 fees and costs.

548 (o) ~~(k)~~ This subsection does not apply to:

- 549 1. Airport-impacted areas as provided in s. 333.03.
550 2. Property defined as recreational and commercial working

waterfront in s. 342.201(2)(b) in any area zoned as industrial.

(p) After July 1, 2023, if a county adopts an ordinance or resolution, or makes any other decision, and such ordinance, resolution, or decision has the effect, either directly or indirectly, of:

1. Limiting the height, floor area ratio, maximum lot size, or density of a project under this section;

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

3. Restricting the manner in which affordable units are developed,

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

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

(r) If an action is filed against a local government to challenge the adoption or enforcement of a local ordinance,

576 resolution, or other local regulation on the grounds that it is
577 expressly preempted by general law under this subsection, the
578 court shall expedite the proceeding and render a decision within
579 30 days after service of process. Notice of appeal shall be
580 filed and served within 30 days after the rendition of the
581 judgment appealed from. The Supreme Court shall adopt rules by
582 October 1, 2025, to ensure the proceedings are handled
583 expeditiously and in a manner consistent with this subsection.

584 (s)~~(1)~~ This subsection expires October 1, 2033.

585 (8) Any development authorized under paragraph (7) (b)
586 ~~(7) (a)~~ must be treated as a conforming use even after the
587 expiration of subsection (7) and the development's affordability
588 period as provided in paragraph (7) (b) ~~(7) (a)~~, notwithstanding
589 the county's comprehensive plan, future land use designation, or
590 zoning. If at any point during the development's affordability
591 period the development violates the affordability period
592 requirement provided in paragraph (7) (b) ~~(7) (a)~~, the development
593 must be allowed a reasonable time to cure such violation. If the
594 violation is not cured within a reasonable time, the development
595 must be treated as a nonconforming use.

596 (9) A county's review or approval of an application for a
597 development permit or development order may not be conditioned
598 on the:

599 (a) Waiver, forbearance, acquisition, transfer, or
600 abandonment of any development right authorized by this section;

601 or

602 (b) Procurement or transfer of density units or
603 development units.

604
605 Any such waiver, forbearance, acquisition, transfer,
606 procurement, or abandonment is void. This subsection does not
607 apply to an area of critical state concern as defined in s.
608 380.05.

609 (10) (a) Beginning June 30, 2026, each county must provide
610 an annual report to the state land planning agency that
611 includes:

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

614 2. All actions the county has taken on any proposed
615 project under this section, including, at minimum, the project
616 size, density, and intensity, and the number of units and the
617 number of affordable units for such proposed project.

618 3. For any proposed development that is denied or not
619 accepted, all actions the county has taken on such proposed
620 development and an explanation for why such actions were taken.

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

625 (11) (a) A county may not impose a building moratorium that

626 has the effect of delaying the permitting of construction of a
627 multifamily project that would otherwise qualify for:

628 1. An affordable housing ad valorem tax exemption under s.
629 196.1978 or s. 196.1979.

630 2. Any grant loan or other incentive provided for the
631 development of affordable housing under chapter 420.

632 3. Any abatement of development restrictions under
633 subsection (7).

634 (b) This subsection does not apply to moratoria imposed to
635 address stormwater or flood water management, to address the
636 supply of potable water, or due to the necessary repair of
637 sanitary sewer systems, if such moratoria apply equally to all
638 types of multifamily or mixed-use residential development.

639 (12) If the owner of an administratively approved proposed
640 development has acted in reliance on that approval, the owner
641 has a vested right to proceed with development under the
642 relevant laws, regulations, and ordinances at the time such
643 rights vested, if the property continues to comply with the
644 requirements of this section.

645 **Section 2. Subsection (11) of section 163.31801, Florida**
646 **Statutes, is amended to read:**

647 163.31801 Impact fees; short title; intent; minimum
648 requirements; audits; challenges.—

649 (11)(a) A county, municipality, or special district may
650 provide an exception or waiver for an impact fee for the

development or construction of housing that is affordable, as defined in s. 420.9071. If a county, municipality, or special district provides such an exception or waiver, it is not required to use any revenues to offset the impact.

(b) Qualified developments authorized pursuant to s. 125.01055 or s. 166.04151 shall receive an exception or waiver for 20 percent of the impact fees for the development of, or construction of the portion of the development that is, affordable housing.

Section 3. Subsection (2) of section 166.041, Florida Statutes, is amended to read:

166.041 Procedures for adoption of ordinances and resolutions.—

(2)(a) Each ordinance or resolution shall be introduced in writing and shall embrace but one subject and matters properly connected therewith. The subject shall be clearly stated in the title. No ordinance shall be revised or amended by reference to its title only. Ordinances to revise or amend shall set out in full the revised or amended act or section or subsection or paragraph of a section or subsection.

(b) Any ordinance the subject of which designates property as a historic landmark shall require a printed or digital map of such property to be readily available. A municipality shall submit such map to the State Historic Preservation Officer no later than June 1, 2027.

676 (c) Any resolution the subject of which designates the
677 character of privately owned property as a historic landmark
678 without the consent of the property owner shall require a
679 finding by the governing body, based on substantial competent
680 evidence, that the historic significance of the subject property
681 is commensurate, to an equal or greater degree, with property
682 that is already designated as a historic landmark within the
683 municipality.

684 **Section 4. Subsections (1), (6), (7), and (8) of section**
685 **166.04151, Florida Statutes, are amended, and subsections (9)**
686 **through (12) are added to that section, to read:**

687 166.04151 Affordable housing.—

688 (1) Notwithstanding any other provision of law, a
689 municipality may adopt and maintain in effect any law,
690 ordinance, rule, or other measure that is adopted for the
691 purpose of increasing the supply of affordable housing using
692 land use mechanisms such as inclusionary housing or linkage fee
693 ordinances. A municipality may not adopt or enforce any law,
694 ordinance, rule, or other measure that limits or prohibits
695 affordable housing, including, but not limited to, any measure
696 that is adopted for the purpose of limiting the maximum
697 percentage of affordable housing units within a project within a
698 certain geographic area or within a certain distance from
699 another affordable housing project, or that otherwise prohibits
700 affordable housing in areas zoned for such use.

701 (6) Notwithstanding any other law or local ordinance or
702 regulation to the contrary, the governing body of a municipality
703 may approve the development of housing that is affordable, as
704 defined in s. 420.0004, including, but not limited to, a mixed-
705 use residential development, on any parcel zoned for commercial
706 or industrial use, or on any parcel, including any contiguous
707 parcel connected thereto, that is owned by a religious
708 institution, as defined in s. 170.201(2), that contains a house
709 of public worship, regardless of the underlying zoning, so long
710 as at least 10 percent of the units included in the project are
711 for housing that is affordable. The provisions of this
712 subsection are self-executing and do not require the governing
713 body to adopt an ordinance or a regulation before using the
714 approval process in this subsection.

715 (7)(a) As used in this subsection, regardless of
716 terminology used in a municipality's land development
717 regulations, the term:

718 1. "Allowable density" means the density prescribed for
719 the property without additional requirements to procure and
720 transfer density units or development units from other
721 properties.

722 2. "Allowable use" means the intended uses identified in a
723 municipality's land development regulations which are authorized
724 within a zoning category as a use by right, without the
725 requirement to obtain a variance or waiver. The term does not

726 include uses that are accessory, ancillary, or incidental to the
727 allowable uses or allowed only on a temporary basis.

728 3. "Commercial use" means activities associated with the
729 sale, rental, or distribution of products or the sale or
730 performance of services. The term includes, but is not limited
731 to, retail, office, entertainment, hotels, and other for-profit
732 business activities. The term does not include vacation rentals
733 as classified in s. 509.242(1)(c); home-based businesses or
734 cottage food operations performed on residential property; or
735 uses that are accessory, ancillary, or incidental to the
736 allowable uses or allowed only on a temporary basis.

737 4. "Industrial use" means activities associated with the
738 manufacture, assembly, processing, or storage of products or the
739 performance of related services.

740 5. "Mixed use" means areas that include both residential
741 and nonresidential uses, notwithstanding any local land
742 development regulation categorization or title, regardless of
743 whether the residential or nonresidential uses are permitted as
744 principal use, conditional use, ancillary use, special use,
745 unusual use, accessory use, planned unit development, or planned
746 development. Nonresidential use includes, but is not limited to,
747 retail, office, hotel, lodging, civic, institutional, parking,
748 utilities, or other commercial uses.

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

751 ~~(b)1.(a)~~ Notwithstanding any other law, local ordinance,
752 or regulation to the contrary, including any local moratorium
753 established after March 29, 2023, a municipality must authorize
754 multifamily and mixed-use residential as allowable uses on any
755 parcel owned and authorized by the municipality, a district
756 school board, or a religious institution as defined in s.
757 170.201(2), and in any area zoned for commercial, industrial, or
758 mixed use; or on any parcel within a planned unit development
759 permitted for commercial, industrial, or mixed use, if at least
760 40 percent of the residential units in a proposed multifamily or
761 mixed-use residential development are rental units that, for a
762 period of at least 30 years, are affordable as defined in s.
763 420.0004. A municipality may authorize the inclusion of an
764 adjacent parcel of land as part of the multifamily development,
765 regardless of the land use designation of the adjacent parcel,
766 if the residential units to be built on the adjacent parcel
767 comply with the requirements of this subsection. This
768 subparagraph does not apply to moratoria imposed to address
769 stormwater or flood water management, to address the supply of
770 potable water, or due to the necessary repair of sanitary sewer
771 systems, if such moratoria apply equally to all types of
772 multifamily or mixed-use residential development.

773 2. Notwithstanding any other law, local ordinance, or
774 regulation to the contrary, a municipality may not require a
775 proposed multifamily or mixed-use residential development to

776 obtain an amendment to a development of regional impact,
777 amendment to a development agreement, or amendment to a
778 restrictive covenant or a zoning or land use change, special
779 exception, conditional use approval, variance, ~~or~~ comprehensive
780 plan amendment, or any other approval for the building height,
781 zoning, and densities authorized under this subsection.

782 3. For mixed-use residential projects, at least 65 percent
783 of the total square footage must be used for residential
784 purposes. A municipality may not require more than 10 percent of
785 the total square footage to be used for nonresidential purposes.

786 4. Affordable or workforce units that qualify for
787 incentives under local regulations as contemplated by subsection
788 (4) may also qualify as affordable under this subsection if the
789 units satisfy the requirements of s. 420.0004 and the local
790 regulations.

791 (c) ~~(b)~~ A municipality may not directly restrict or take
792 action that has the effect of restricting the density of a
793 proposed multifamily or mixed-use residential development
794 authorized under this subsection below the highest ~~currently~~
795 ~~allowed~~ density allowed on or after July 1, 2023, on any land in
796 the municipality where residential development is allowed under
797 the municipality's land development regulations. For purposes of
798 this paragraph, the term "highest ~~currently-allowed~~ density"
799 does not include the density of any building that met the
800 requirements of this subsection or the density of any building

801 that has received any bonus, variance, or other special
802 exception for density provided in the municipality's land
803 development regulations as an incentive for development. For
804 purposes of this paragraph, to "directly restrict" or to "take
805 action that has the effect of restricting" density includes
806 requirements to procure or transfer density units or development
807 units from other properties.

808 (d) A municipality may not directly restrict or take
809 action that has the effect of restricting the maximum lot size
810 of a proposed multifamily or mixed-use residential development
811 authorized under this paragraph below the largest maximum lot
812 size allowed on or after July 1, 2023, on any land in the
813 municipality where multifamily or mixed-use residential
814 development is allowed pursuant to the municipality's land
815 development regulations. A municipality may not restrict the
816 maximum lot coverage of a proposed multifamily or mixed-use
817 residential development authorized under this paragraph below 70
818 percent.

819 (e) ~~(e)~~ A municipality may not directly restrict or take
820 action that has the effect of restricting the floor area ratio
821 of a proposed multifamily or mixed-use residential development
822 authorized under this subsection below 150 percent of the
823 highest ~~currently allowed~~ floor area ratio allowed on or after
824 May 16, 2024, on any land in the municipality where development
825 is allowed under the municipality's land development

826 regulations. For purposes of this paragraph, the term "highest
827 ~~currently allowed~~ floor area ratio" does not include the floor
828 area ratio of any building that met the requirements of this
829 subsection or the floor area ratio of any building that has
830 received any bonus, variance, or other special exception for
831 floor area ratio provided in the municipality's land development
832 regulations as an incentive for development. For purposes of
833 this subsection, the term "floor area ratio" includes floor lot
834 ratio.

835 (f)(~~d~~)1. A municipality may not directly restrict or take
836 action that has the effect of restricting the height of a
837 proposed multifamily or mixed-use residential development
838 authorized under this subsection below the highest ~~currently~~
839 ~~allowed~~ height allowed on or after July 1, 2023, for a
840 commercial or residential building located in its jurisdiction
841 within 1 mile of the proposed development or 3 stories,
842 whichever is higher. For purposes of this paragraph, the term
843 "highest ~~currently allowed~~ height" does not include the height
844 of any building that met the requirements of this subsection or
845 the height of any building that has received any bonus,
846 variance, or other special exception for height provided in the
847 municipality's land development regulations as an incentive for
848 development.

849 2. If the proposed multifamily or mixed-use residential
850 development is adjacent to, on two or more sides, a parcel zoned

851 for single-family residential use that is within a single-family
852 residential development with at least 25 contiguous single-
853 family homes, the municipality may restrict the height of the
854 proposed development to 150 percent of the tallest building on
855 any property adjacent to the proposed development, the highest
856 ~~currently allowed~~ height allowed on or after July 1, 2023, for
857 the property provided in the municipality's land development
858 regulations, or 3 stories, whichever is higher. For the purposes
859 of this paragraph, the term "adjacent to" means those properties
860 sharing more than one point of a property line, but does not
861 include properties separated by a public road.

862 (g)1.(e) A proposed multifamily or mixed-use residential
863 development authorized under this subsection must be
864 administratively approved and ~~no~~ further action or approval by
865 the governing body of the municipality or any quasi-judicial
866 board of the reviewing body is not authorized ~~required~~ if the
867 development satisfies the municipality's land development
868 regulations for multifamily or mixed-use residential
869 developments as of July 1, 2023, in areas zoned for such use,
870 density, intensity, and height, and is otherwise consistent with
871 the comprehensive plan, with the exception of provisions
872 establishing ~~allowable~~ densities, floor area ratios, height, and
873 land use, including mixed-use and minimum nonresidential or
874 commercial floor area requirements. The removal or demolition of
875 an existing structure to be performed as part of the proposed

development must also be administratively approved. A proposed development authorized under this subsection must be treated as a conforming use, notwithstanding the municipality's comprehensive plan, future land use designation, or zoning. ~~Such land development regulations include, but are not limited to, regulations relating to setbacks and parking requirements.~~

2. A municipality may not initiate or enforce zoning-in-progress or a building moratorium on a proposed development that is subject to this subsection and for which the municipality has approved the development's preliminary site plan. This subparagraph does not apply to moratoria imposed 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 moratoria apply equally to all types of multifamily or mixed-use residential development.

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

4. Each municipality shall maintain on its website a policy containing the zoning map and zoning regulations as outlined in this section and the procedures and expectations for administrative approval pursuant to this subsection.

~~(h)(f)1.~~ (h)1. A municipality must ~~consider reducing~~ parking requirements by at least 20 percent for a proposed development authorized under this subsection, or by 100 percent for

901 structures that are 20,000 square feet or less ~~if the~~
902 ~~development is located within one-quarter mile of a transit~~
903 ~~stop, as defined in the municipality's land development code,~~
904 ~~and the transit stop is accessible from the development.~~

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

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

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

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

924 4. ~~For purposes of this paragraph, the term "major~~
925 ~~transportation hub" means any transit station, whether bus,~~

926 ~~train, or light rail, which is served by public transit with a~~
927 ~~mix of other transportation options.~~

928 (i)~~(g)~~ A municipality that designates less than 20 percent
929 of the land area within its jurisdiction for commercial or
930 industrial use must authorize a proposed multifamily development
931 as provided in this subsection in areas zoned for commercial or
932 industrial use only if the proposed multifamily development is
933 mixed-use residential.

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

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

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

951 2. Nothing in this subsection precludes a proposed
952 development authorized under this subsection from receiving a
953 bonus for density, height, or floor area ratio pursuant to an
954 ordinance or regulation of the jurisdiction where the proposed
955 development is located if the proposed development satisfies the
956 conditions to receive the bonus except for any condition which
957 conflicts with this subsection. If a proposed development
958 qualifies for such bonus, the bonus must be administratively
959 approved by the municipality and no further action by the
960 governing body of the municipality is required.

961 (m) A municipality shall approve building permit plan
962 review for a proposed development within 60 business days as
963 authorized under this subsection, and prioritize building permit
964 plan review for projects authorized under this subsection over
965 other development projects.

966 (n) Notwithstanding s. 57.112(6), the prevailing party in
967 a challenge under this subsection is entitled to recover
968 attorney fees and costs, including reasonable appellate attorney
969 fees and costs.

970 (o) ~~(k)~~ This subsection does not apply to:

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

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

974 (p) After July 1, 2023, if a municipality adopts an
975 ordinance or resolution, or makes any other decision, and such

976 ordinance, resolution, or decision has the effect, either
977 directly or indirectly, of:

978 1. Limiting the height, floor area ratio, maximum lot
979 size, or density of a project under this section;

980 2. Unreasonably delaying the development or construction
981 of a project under this section, including, but not limited to,
982 imposing a moratorium; or

983 3. Restricting the manner in which affordable units are
984 developed,

985
986 then such ordinance, resolution, or decision shall be deemed
987 preempted. If a property owner files a site plan application
988 under this section with a municipality, the administrative
989 review process must be based only on the land development
990 regulations in effect as of the date of filing the application.

991 (q) The regulation of affordable housing under this
992 subsection is expressly preempted to the state. This subsection
993 supersedes any local government ordinances, resolutions, or any
994 other local regulations, including local moratoriums, on matters
995 covered under this subsection.

996 (r) If an action is filed against a local government to
997 challenge the adoption or enforcement of a local ordinance,
998 resolution, or other local regulation on the grounds that it is
999 expressly preempted by general law under this subsection, the
1000 court shall expedite the proceeding and render a decision within

1001 30 days after service of process. Notice of appeal shall be
1002 filed and served within 30 days from the rendition of the
1003 judgment appealed from. The Supreme Court shall adopt rules by
1004 October 1, 2025, to ensure the proceedings are handled
1005 expeditiously and in a manner consistent with this subsection.

1006 (s)~~(1)~~ This subsection expires October 1, 2033.

1007 (8) Any development authorized under paragraph (7) (b)
1008 ~~(7) (a)~~ must be treated as a conforming use even after the
1009 expiration of subsection (7) and the development's affordability
1010 period as provided in paragraph (7) (b) ~~(7) (a)~~, notwithstanding
1011 the municipality's comprehensive plan, future land use
1012 designation, or zoning. If at any point during the development's
1013 affordability period the development violates the affordability
1014 period requirement provided in paragraph (7) (b) ~~(7) (a)~~, the
1015 development must be allowed a reasonable time to cure such
1016 violation. If the violation is not cured within a reasonable
1017 time, the development must be treated as a nonconforming use.

1018 (9) A municipality's review or approval of an application
1019 for a development permit or development order may not be
1020 conditioned on the:

1021 (a) Waiver, forbearance, acquisition, transfer, or
1022 abandonment of any development right authorized by this section;
1023 or

1024 (b) Procurement or transfer of density units or
1025 development units.

1026
1027 Any such waiver, forbearance, acquisition, transfer,
1028 procurement, or abandonment is void. This subsection does not
1029 apply to an area of critical state concern as defined in s.
1030 380.05.

1031 (10) (a) Beginning June 30, 2026, each municipality must
1032 provide an annual report to the state land planning agency that
1033 includes:

1034 1. All litigation initiated under subsection (9), the
1035 status of the case, and, if applicable, the final disposition.

1036 2. All actions the municipality has taken on any proposed
1037 project under this section, including, at minimum, the project
1038 size, density, and intensity, and the number of units and the
1039 number of affordable units for such proposed project.

1040 3. For any proposed development that is denied or not
1041 accepted, all actions the municipality has taken relating to
1042 such proposed development and an explanation for why such
1043 actions were taken.

1044 (b) The state land planning agency shall provide an annual
1045 report to the Governor, the President of the Senate, and the
1046 Speaker of the House of Representatives regarding municipal
1047 compliance with this section.

1048 (11) (a) A municipality may not impose a building
1049 moratorium that has the effect of delaying the permitting of
1050 construction of a multifamily project that would otherwise

1051 qualify for:

1052 1. An affordable housing ad valorem tax exemption under s.
1053 196.1978 or s. 196.1979.

1054 2. Any grant loan or other incentive provided for the
1055 development of affordable housing under chapter 420.

1056 3. Any abatement of development restrictions under
1057 subsection (7).

1058 (b) This subsection does not apply to moratoria imposed to
1059 address stormwater or flood water management, to address the
1060 supply of potable water, or due to the necessary repair of
1061 sanitary sewer systems, if such moratoria apply equally to all
1062 types of multifamily or mixed-use residential development.

1063 (12) If the owner of an administratively approved proposed
1064 development has acted in reliance on that approval, the owner
1065 has a vested right to proceed with development under the
1066 relevant laws, regulations, and ordinances at the time such
1067 rights vested, if the property continues to comply with the
1068 requirements of this section.

1069 **Section 5. Section 163.31771, Florida Statutes, is amended**
1070 **to read:**

1071 163.31771 Accessory dwelling units.—

1072 (1) The Legislature finds that the median price of homes
1073 in this state has increased steadily over the last decade and at
1074 a greater rate of increase than the median income in many urban
1075 areas. The Legislature finds that the cost of rental housing has

also increased steadily and the cost often exceeds an amount that is affordable to extremely-low-income, very-low-income, low-income, or moderate-income persons and has resulted in a critical shortage of affordable rentals in many urban areas in the state. This shortage of affordable rentals constitutes a threat to the health, safety, and welfare of the residents of the state. Therefore, the Legislature finds that it serves an important public purpose to encourage the permitting of accessory dwelling units in single-family residential areas in order to increase the availability of affordable rentals for extremely-low-income, very-low-income, low-income, or moderate-income persons.

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

(a) "Accessory dwelling unit" means an ancillary or secondary living unit, that has a separate kitchen, bathroom, and sleeping area, existing either within the same structure, or on the same lot, as the primary dwelling unit. The term includes a manufactured home constructed on or after January 1, 2025, which meets the National Manufactured Housing Construction and Safety Standards.

(b) "Affordable rental" means that monthly rent and utilities do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for extremely-low-income, very-low-income, low-income, or moderate-income persons.

1101 (c) "Department" means the Department of Commerce.

1102 (d)~~(g)~~ "Extremely-low-income persons" has the same meaning
1103 as in s. 420.0004(9).

1104 (e)~~(e)~~ "Local government" means a county or municipality.

1105 (f)~~(d)~~ "Low-income persons" has the same meaning as in s.
1106 420.0004(11).

1107 (g)~~(e)~~ "Moderate-income persons" has the same meaning as
1108 in s. 420.0004(12).

1109 (h)~~(f)~~ "Very-low-income persons" has the same meaning as
1110 in s. 420.0004(17).

1111 (3) A local government shall ~~may~~ adopt an ordinance to
1112 allow accessory dwelling units in any area zoned for single-
1113 family residential use. A local government may not directly,
1114 unreasonably increase, or in effect unreasonably increase, the
1115 cost to construct, in effect prohibit the construction of, or
1116 extinguish the ability to otherwise construct an accessory
1117 dwelling unit. Such regulation does not include:

1118 (a) Restrictions on the terms of rentals that do not apply
1119 generally to other housing in the same district or zone.

1120 (b) Parking requirements and minimum lot size requirements
1121 that do not apply general to other housing in the same district
1122 or zone, other lot design regulations that unreasonably increase
1123 the cost to construct or unreasonably extinguish the ability to
1124 construct an accessory dwelling unit on a lot.

1125 (c) Discretionary conditional use permit procedures or

standards that do not apply generally to other housing in the same district or zone.

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

(4)(5) Each accessory dwelling unit allowed by an ordinance adopted under this section applies ~~shall apply~~ toward satisfying the affordable housing component of the housing element in the local government's comprehensive plan under s. 163.3177(6)(f).

(5) An accessory dwelling unit may not be leased for a term of less than 1 month.

(6)(a) Beginning October 1, 2025, and by October 1 every year thereafter, the local government shall submit an annual report to the department, in a form and manner prescribed by the department, and post publicly on its website, the following information for the previous fiscal year:

1. The number of applications to construct new accessory dwelling units, the number of new accessory dwelling units that have been approved, and the number of new accessory dwelling units that have been denied, and the reason for denial.

2. The number of allowable accessory dwelling units located in the jurisdiction, the number of accessory dwelling

units, attached or unattached, which are not allowed by an ordinance, and the number of single-family homes in a zoning district in which accessory dwelling units are allowed by an ordinance.

(b) The department may adopt rules to administer and enforce this subsection.

(7) (a) The owner of property with an accessory dwelling unit may not be denied a homestead exemption or homestead property assessment limitation solely on the basis of the property containing an accessory dwelling unit which may be rented.

(b) If the accessory dwelling unit is rented by the property owner:

1. The assessment of the accessory dwelling unit must be separated from the homestead property.

2. It may not be construed as an abandonment of the dwelling previously claimed to be a homestead under s. 196.061, provided such dwelling is physically occupied by the owner.

(c) If the accessory dwelling unit is not rented by the property owner, the assessment of the accessory dwelling unit must be considered part of the homestead property.

Section 6. 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:

1176 196.1978 Affordable housing property exemption.—

1177 (3)

1178 (n) Upon the request of a property owner, the property
1179 appraiser must issue a letter to verify that a multifamily
1180 project, if constructed and leased as described in the site
1181 plan, qualifies for the exemption under this section. Within 30
1182 days after receipt of such request, the property appraiser must
1183 issue a verification letter or explain why the project is
1184 ineligible for the exemption. A project that has received a
1185 verification letter before the adoption of the ordinance
1186 described in paragraph (p) is exempt from such ordinance. The
1187 verification letter is prima facie evidence that the project is
1188 eligible for the exemption if the project is constructed and
1189 leased as described in the site plan used to receive the
1190 verification letter. This letter shall qualify the project, if
1191 constructed and leased as described in the site plan, to obtain
1192 the exemption beginning with the January 1 assessment
1193 immediately after the date on which the property obtains a
1194 certificate of occupancy and is placed in service allowing the
1195 property to be used as an affordable housing property.

1196 **Section 7. Paragraphs (a) and (b) of subsection (1) of**
1197 **section 196.1979, Florida Statutes, are amended to read:**

1198 196.1979 County and municipal affordable housing property
1199 exemption.—

1200 (1) (a) Notwithstanding ss. 196.195 and 196.196, the board

of county commissioners of a county or the governing body of a municipality may adopt an ordinance to exempt those portions of property used to provide affordable housing meeting the requirements of this section. Such property is considered property used for a charitable purpose. To be eligible for the exemption, the portions of property:

1. Must be used to house natural persons or families whose annual household income:

a. Is greater than 30 percent but not more than 60 percent of the median annual adjusted gross income for households within the metropolitan statistical area or, if not within a metropolitan statistical area, within the county where ~~in which~~ the person or family resides; or

b. Does not exceed 30 percent of the median annual adjusted gross income for households within the metropolitan statistical area or, if not within a metropolitan statistical area, within the county where ~~in which~~ the person or family resides. ~~†~~

2.a. Must be within a multifamily project containing at least the minimum number of residential units as defined by the county or municipality that adopts an ordinance under this section; a county or municipality that adopts an ordinance under this section may set a minimum residential unit threshold that deems a property eligible for the exemption for properties that exceed 15,000 square feet, at a minimum of 5 units not to exceed

1226 a minimum of 50 residential units ~~50 or more residential units,~~
1227 ~~at least 20 percent of which are used to provide affordable~~
1228 ~~housing that meets the requirements of this section; or~~

1229 b. Must be an accessory dwelling unit as defined in s.
1230 163.31771(2).

1231 3. Must be rented for an amount no greater than the amount
1232 as specified by the most recent multifamily rental programs
1233 income and rent limit chart posted by the corporation and
1234 derived from the Multifamily Tax Subsidy Projects Income Limits
1235 published by the United States Department of Housing and Urban
1236 Development or 90 percent of the fair market value rent as
1237 determined by a rental market study meeting the requirements of
1238 subsection (4), whichever is less.~~†~~

1239 4. May not have been cited for code violations on three or
1240 more occasions in the 24 months before the submission of a tax
1241 exemption application.~~†~~

1242 5. May not have any cited code violations that have not
1243 been properly remedied by the property owner before the
1244 submission of a tax exemption application.~~†~~ ~~and~~

1245 6. May not have any unpaid fines or charges relating to
1246 the cited code violations. Payment of unpaid fines or charges
1247 before a final determination on a property's qualification for
1248 an exemption under this section will not exclude such property
1249 from eligibility if the property otherwise complies with all
1250 other requirements for the exemption.

1251 (b) Qualified property may receive an ad valorem property
1252 tax exemption of:

1253 1. Up to 75 percent of the assessed value of each
1254 residential unit used to provide affordable housing if fewer
1255 than 100 percent of the multifamily project's residential units
1256 are used to provide affordable housing meeting the requirements
1257 of this section.

1258 2. Up to 100 percent of the assessed value of each
1259 residential unit used to provide affordable housing if 100
1260 percent of the multifamily project's residential units are used
1261 to provide affordable housing meeting the requirements of this
1262 section.

1263 3. Up to 100 percent of the assessed value of the
1264 accessory dwelling unit if the unit is used to provide
1265 affordable housing meeting the requirements of this section.

1266 **Section 8. Subsection (5) of section 333.03, Florida**
1267 **Statutes, is amended to read:**

1268 333.03 Requirement to adopt airport zoning regulations.—

1269 (5) Sections 125.01055(7) and 166.04151(7) do not apply to
1270 any of the following:

1271 (a) A proposed development ~~near a runway~~ within one-
1272 quarter of a mile laterally from the runway edge and within an
1273 area that is the width of one-quarter of a mile extending at
1274 right angles from the end of the runway for a distance of 10,000
1275 feet of any runway for an existing commercial service airport

1276 ~~runway~~ or planned commercial service airport runway identified
1277 in the local government's airport master plan. As used in this
1278 paragraph, the term "commercial service airport" has the same
1279 meaning as in s. 332.0075(1).

1280 (b) A proposed development within any airport noise zone
1281 identified in the federal land use compatibility table or in a
1282 land-use zoning or airport noise regulation adopted by the local
1283 government for a commercial service airport.

1284 (c) A proposed development that exceeds maximum height
1285 restrictions identified in the political subdivision's airport
1286 zoning regulation for a commercial service airport adopted
1287 pursuant to this section.

1288 **Section 9. Paragraph (d) of subsection (1) of section**
1289 **420.50871, Florida Statutes, is amended to read:**

1290 420.50871 Allocation of increased revenues derived from
1291 amendments to s. 201.15 made by ch. 2023-17.—Funds that result
1292 from increased revenues to the State Housing Trust Fund derived
1293 from amendments made to s. 201.15 made by chapter 2023-17, Laws
1294 of Florida, must be used annually for projects under the State
1295 Apartment Incentive Loan Program under s. 420.5087 as set forth
1296 in this section, notwithstanding ss. 420.507(48) and (50) and
1297 420.5087(1) and (3). The Legislature intends for these funds to
1298 provide for innovative projects that provide affordable and
1299 attainable housing for persons and families working, going to
1300 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 10. Section 420.5098, Florida Statutes, is created to read:

420.5098 Public sector and hospital employer-sponsored housing policy.—

(1) The Legislature finds that it is in the best interest of this state and this state's economy to provide affordable housing to residents who are employed by a hospital, a health care facility, or a governmental entity to attract and maintain the highest quality labor by incentivizing such employers to

1326 sponsor affordable housing opportunities. Section 42(g)(9)(B) of
1327 the Internal Revenue Code provides that a qualified low-income
1328 housing project does not fail to meet the general public use
1329 requirement solely because of occupancy restrictions or
1330 preferences that favor tenants who are members of a specified
1331 group under a state program or policy that supports housing for
1332 such specified group. Therefore, it is the intent of the
1333 Legislature to establish a policy that supports the development
1334 of affordable workforce housing for residents who are employed
1335 by a hospital, a health care facility, or a governmental entity.

1336 (2) For purposes of this section, the term:

1337 (a) "Governmental entity" means a state agency, a regional
1338 agency, a county agency, a local agency, a municipal agency, or
1339 any other entity, however styled, that independently exercises
1340 any type of state or local government function, whether
1341 executive, judicial, or legislative; any public school, state
1342 university, or Florida College System institution; or any
1343 special district as defined in s. 189.012.

1344 (b) "Health care facility" has the same meaning as in s.
1345 159.27(16).

1346 (c) "Hospital" means a hospital under chapter 155, a
1347 hospital district created pursuant to chapter 189, or a hospital
1348 licensed pursuant to chapter 395, including corporations not for
1349 profit that qualify as charitable under s. 501(c)(3) of the
1350 Internal Revenue Code and for-profit entities.

1351 (3) It is the policy of this state to support affordable
1352 housing for residents who are employed by a hospital, a health
1353 care facility, or a governmental entity and to allow developers
1354 that receive federal low-income housing tax credits allocated
1355 pursuant to s. 420.5099, local or state funds, or any other
1356 source of funding available to finance the development of
1357 affordable housing to create a preference for housing for such
1358 employees. Such preference must conform to the requirements of
1359 s. 42(g)(9) of the Internal Revenue Code.

1360 (4) The Florida Housing Finance Corporation may fund one
1361 housing project per year which will provide affordable housing
1362 in areas of critical housing shortage for essential service and
1363 high-demand career employees through a public-private housing
1364 partnership agreement with public sector, hospital, and health
1365 care facility employers for whom housing shortages are affecting
1366 the recruitment and retention of workers. Public sector,
1367 hospital, and health care facility employers that partner with
1368 developers on such projects shall provide land or other
1369 financial support.

1370 **Section 11. Subsection (8) of section 760.22, Florida**
1371 **Statutes, is amended to read:**

1372 760.22 Definitions.—As used in ss. 760.20-760.37, the
1373 term:

1374 (8) "Person" includes one or more individuals,
1375 corporations, partnerships, associations, labor organizations,

1376 legal representatives, mutual companies, joint-stock companies,
1377 trusts, unincorporated organizations, trustees, trustees in
1378 bankruptcy, receivers, and fiduciaries, and any other legal or
1379 commercial entity; the state; or any governmental entity or
1380 agency.

1381 **Section 12. Section 760.26, Florida Statutes, is amended**
1382 **to read:**

1383 760.26 Prohibited discrimination in land use decisions and
1384 in permitting of development.—It is unlawful to discriminate in
1385 land use decisions or in the permitting of development based on
1386 race, color, national origin, sex, disability, familial status,
1387 religion, or, except as otherwise provided by law, the source of
1388 financing of a development or proposed development or based on
1389 the development or proposed development being affordable housing
1390 as defined under s. 420.0004(3).

1391 **Section 13.** It is the intent of the Legislature that the
1392 amendment to s. 760.26, Florida Statutes, is remedial and
1393 clarifying in nature, and shall apply retroactively for any
1394 causes of action filed on or before the effective date of the
1395 passage of this act.

1396 **Section 14. Subsection (4) of section 760.35, Florida**
1397 **Statutes, is amended to read:**

1398 760.35 Civil actions and relief; administrative
1399 procedures.—

1400 (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 15. Subsection (12) of section 1001.43, Florida Statutes, is amended to read:

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

(12) AFFORDABLE HOUSING.—Notwithstanding any other provision of this section to the contrary, each a district school board shall:

(a) ~~may~~ Use portions of school sites purchased within the guidelines of the State Requirements for Educational Facilities, land deemed not usable for educational purposes because of location or other factors, or land declared as surplus by the board ~~to provide sites for affordable housing for teachers and other district personnel and, in areas of critical state concern, for other essential services personnel as defined by local affordable housing eligibility requirements, independently~~

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1426 ~~or in conjunction with other agencies as described in subsection~~
1427 ~~(5).~~

1428 (b) Adopt best practices for surplus land programs,
1429 including, but not limited to:

1430 1. Establishing eligibility criteria for the receipt or
1431 purchase of surplus land by developers.

1432 2. Making the process for requesting surplus lands
1433 publicly available.

1434 3. Ensuring long-term affordability through ground leases
1435 by retaining the right of first refusal to purchase property
1436 that would be sold or offered at market rate and by requiring
1437 reversion of property not used for affordable housing within a
1438 certain timeframe.

1439
1440 Each district school board's most recent and all future
1441 educational plan surveys conducted pursuant to s. 235.15 shall
1442 be updated to include an inventory list of such surplus lands.

1443 **Section 16.** This act shall take effect July 1, 2025.