A bill to be entitled

An act relating to real property and land use and development; amending s. 125.01055, F.S.; prohibiting counties from adopting or enforcing specified laws, ordinances, rules, or other measures relating to affordable housing; authorizing the board of county commissioners to approve the development of housing that is affordable on any parcel that is owned by a specified religious institution; providing definitions; requiring counties to authorize multifamily and mixed-use residential as allowable uses on parcels owned and authorized by specified entities and in planned unit developments for specified use, if certain conditions are met; authorizing counties to include adjacent land as part of multifamily development, regardless of land use designation, if certain conditions are met; providing applicability; prohibiting counties from requiring a proposed multifamily development to acquire or transfer density, density units, or development units or obtain certain amendments or approval; prohibiting counties from requiring more than a certain percentage of total square footage to be used for specified purposes; providing that certain affordable or workforce units also qualify as affordable housing;

prohibiting counties 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; providing construction; prohibiting counties 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 counties 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 counties 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 counties 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

action or approval in certain instances; requiring such developments to be treated as a conforming use, notwithstanding certain land development regulations; prohibiting counties from initiating or enforcing zoning-in-progress or building moratoriums in certain instances; providing applicability; requiring each county to maintain on its website a specified policy; requiring counties to reduce certain parking requirements by a specified percentage; requiring counties to approve, within a specified timeframe, building permit plan reviews for proposed developments; providing for the awarding of attorney fees and costs under certain conditions; providing that if a county adopts an ordinance or resolution, or makes any other decision, after a specified date having certain effects, the ordinance, resolution, or decision is deemed preempted; providing that the administrative review process of a site plan filed with a county must be based on land development regulations in effect as of the date of filing the application; preempting the regulation of affordable housing to the state; requiring courts to expedite proceedings and render an order within a specified timeframe if an action is filed against a local 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

privately owned property as a historic landmark be based on a certain finding by the governing body for adoption of such resolutions; amending s. 166.04151, F.S.; prohibiting municipalities from adopting or enforcing specified laws, ordinances, rules, or other measures relating to affordable housing; authorizing municipalities to approve the development of housing that is affordable on any parcel that is owned by specified religious institutions; providing definitions; requiring municipalities to authorize multifamily and mixed-use residential as allowable uses on parcels owned and authorized by specified entities and in planned unit developments for specified use, if certain conditions are met; authorizing municipalities to include adjacent land as part of multifamily development, regardless of land use designation, if certain conditions are met; providing applicability; prohibiting municipalities from requiring a proposed multifamily development to acquire or transfer density, density units, or development units or obtain certain amendments or approval; prohibiting municipalities from requiring more than a certain percentage of total square footage to be used for specified purposes; providing that 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

action or approval in certain instances; requiring such developments to be treated as a conforming use, notwithstanding certain land development regulations; prohibiting municipalities from initiating or enforcing zoning-in-progress or building moratoriums in certain instances; providing applicability; requiring each municipality to maintain on its website a specified policy; requiring municipalities to reduce certain parking requirements by a specified percentage; requiring municipalities to approve, within a specified timeframe, building permit plan reviews for proposed developments; providing for the awarding of attorney fees and costs under certain conditions; providing that if a municipality adopts an ordinance or resolution, or makes any other decision, after a specified date having certain effects, the ordinance, resolution, or decision is deemed preempted; providing that the administrative review process of a site plan filed with a municipality must be based on land development regulations in effect as of the date of filing the application; preempting the regulation of affordable housing to the state; requiring courts to expedite proceedings and render an order within a specified timeframe if an action is filed against a local 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 municipalities 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 municipalities 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. 163.31771, F.S.; revising the definition of the term "accessory dwelling unit"; defining the term "department"; requiring local governments to adopt ordinances as they relate to accessory dwelling units; prohibiting local governments from increasing costs of construction of accessory dwelling units; providing exceptions; prohibiting accessory dwelling units from

being leased for less than a specified term; requiring local governments to submit annual reports beginning on a specified date to the Department of Commerce and post such reports on the local governments' websites; providing requirements for the reports; authorizing the department to adopt rules; prohibiting an owner of property with an accessory dwelling unit from being denied a homestead exemption or homestead property assessment limitation solely on the basis of the property containing an accessory dwelling unit; establishing requirements for homestead purposes if an accessory dwelling unit is rented by the property owner; requiring an accessory dwelling unit that is not rented to be considered part of homestead property; amending s. 196.1978, F.S.; requiring the property appraiser to issue a letter to verify that a multifamily project qualifies for the affordable housing exemption; exempting such project from a certain ordinance in certain circumstances; providing that a verification letter is prima facie evidence that such project is eligible for an exemption in certain circumstances; establishing the date on which such project qualifies to obtain an exemption; amending s. 196.1979, F.S.; authorizing the board of county commissioners or the governing body of a

municipality to exempt specified portions of property within multifamily projects and accessory dwelling units used to provide affordable housing; revising ad valorem property tax exemption provisions for accessory dwelling units; amending s. 333.03, F.S.; revising applicability for certain proposed developments; defining the term "commercial service airport"; amending s. 420.50871, F.S.; expanding the scope of financing of affordable housing projects to include certain housing; creating s. 420.5098, F.S.; providing legislative findings; providing definitions; providing legislative policy; authorizing the Florida Housing Finance Corporation to fund certain housing projects within a specified time that will provide affordable housing in specified areas for specified individuals through a public-private housing partnership agreement; requiring certain participating employers to provide land or other financial support to such individuals; amending s. 760.22, F.S.; revising the definition of the term "person"; amending s. 760.26, F.S.; prohibiting discrimination in land use decisions and in permitting of development based on a development or proposed development being affordable housing; providing applicability; amending 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

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

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

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

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

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

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

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

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

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

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

(b)1.~~(a)~~ Notwithstanding any other law, local ordinance, or regulation to the contrary, including any local moratorium established after March 29, 2023, a county must authorize multifamily and mixed-use residential as allowable uses on any parcel owned and authorized by the county, a district school board, or a religious institution as defined in s. 170.201(2), and in any area zoned for commercial, industrial, or mixed use; or on any parcel within a planned unit development permitted for commercial, industrial, or mixed use, if at least 40 percent of the residential units in a proposed multifamily or mixed-use residential development are rental units that, for a period of at least 30 years, are affordable as defined in s. 420.0004. A county may authorize the inclusion of an adjacent parcel of land as part of the multifamily development, regardless of the land use designation of the adjacent parcel, if the residential units to be built on the adjacent parcel comply with the requirements of this subsection. 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.

2. Notwithstanding any other law, local ordinance, or

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

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

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

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

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

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

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

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

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

2. If the proposed 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.~~(c)~~ 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

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 county'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 county 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 county 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 county 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.~~ A county must reduce ~~consider reducing~~ parking requirements by at least 20 percent for a proposed development

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

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

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

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

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

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

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

(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

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

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

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

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

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

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

2. Property defined as recreational and commercial working

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

(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,

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

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

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

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

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

or

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

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

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

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

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

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

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

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

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

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

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

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

(b) This subsection 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.

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

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

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

(11)(a) A county, municipality, or special district may 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.

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

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

166.04151 Affordable housing.—

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

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

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

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

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

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

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

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

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

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

(b)1.~~(a)~~ Notwithstanding any other law, local ordinance, or regulation to the contrary, including any local moratorium established after March 29, 2023, a municipality must authorize multifamily and mixed-use residential as allowable uses on any parcel owned and authorized by the municipality, a district school board, or a religious institution as defined in s. 170.201(2), and in any area zoned for commercial, industrial, or mixed use; or on any parcel within a planned unit development permitted for commercial, industrial, or mixed use, if at least 40 percent of the residential units in a proposed multifamily or mixed-use residential development are rental units that, for a period of at least 30 years, are affordable as defined in s. 420.0004. A municipality may authorize the inclusion of an adjacent parcel of land as part of the multifamily development, regardless of the land use designation of the adjacent parcel, if the residential units to be built on the adjacent parcel comply with the requirements of this subsection. 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.

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

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

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

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

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

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

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

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

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

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

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

for single-family residential use that is within a single-family residential development with at least 25 contiguous single-family homes, the municipality may restrict the height of the proposed development to 150 percent of the tallest building on any property adjacent to the proposed development, the highest ~~currently allowed~~ height allowed on or after July 1, 2023, for the property provided in the municipality'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.~~(c)~~ A proposed multifamily or mixed-use residential development authorized under this subsection must be administratively approved and ~~no~~ further action or approval by the governing body of the municipality or any quasi-judicial board of the reviewing body is not authorized ~~required~~ if the development satisfies the municipality's land development regulations for multifamily or mixed-use residential developments as of July 1, 2023, 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 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.~~ 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

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

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

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

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

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

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

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

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

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

(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 municipality from granting a bonus, variance, conditional use, or other special exception to height, density, or floor area ratio in addition to the height, density, and floor area ratio requirements in this subsection.

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

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

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

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

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

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

(p) After July 1, 2023, if a municipality 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 municipality, 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, resolution, or other local regulation on the grounds that it is expressly preempted by general law under this subsection, the court shall expedite the proceeding and render a decision within

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

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

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

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

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

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

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

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

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

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

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

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

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

qualify for:

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

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

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

(b) This subsection 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.

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

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

163.31771 Accessory dwelling units.—

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

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

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

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

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

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

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

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

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

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

(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:

196.1978 Affordable housing property exemption.—

(3)

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

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

196.1979 County and municipal affordable housing property exemption.—

(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

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

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

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

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

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

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

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

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

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

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

Section 8. 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

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

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

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

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

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

section are intended to provide housing that is affordable as defined in s. 420.0004, notwithstanding the income limitations in s. 420.5087(2). Beginning in the 2023-2024 fiscal year and annually for 10 years thereafter:

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

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

Section 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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

760.35 Civil actions and relief; administrative procedures.—

(4) If the court finds that a person has committed a

discriminatory housing practice ~~has occurred~~, it shall issue an order prohibiting the practice and providing affirmative relief from the effects of the practice, including injunctive and other equitable relief, actual and punitive damages, and reasonable attorney fees and costs. In accordance with s. 13, Art. X of the State Constitution, the state, for itself and its agencies or political subdivisions, waives sovereign immunity for causes of action based on the application of this section.

Section 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~~

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

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

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

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

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

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

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