

1                   A bill to be entitled  
2     An act relating to real property and land use and  
3     development; amending ss. 125.01055 and 166.04151,  
4     F.S.; authorizing the board of county commissioners  
5     and the governing body of a municipality,  
6     respectively, to approve the development of housing  
7     that is affordable on certain parcels owned by  
8     religious institutions; requiring counties and  
9     municipalities, respectively, to authorize multifamily  
10    and mixed-use residential as allowable uses in  
11    specified areas; prohibiting counties and  
12    municipalities, respectively, from requiring a  
13    proposed multifamily development to obtain a transfer  
14    of density or development units; prohibiting counties  
15    and municipalities, respectively, from requiring a  
16    specified percentage of total square footage of mixed-  
17    residential projects be used for nonresidential  
18    purposes; prohibiting counties and municipalities,  
19    respectively, from restricting the density of a  
20    proposed development below the highest density allowed  
21    on a specified date; prohibiting counties and  
22    municipalities, respectively, from restricting the  
23    floor area ratio of a proposed development below a  
24    certain percentage of the highest floor area ratio  
25    allowed on a specified date; prohibiting counties and

26        municipalities, respectively, from restricting the  
27        height of a proposed development below the highest  
28        height allowed on a specified date; revising an  
29        exception; revising the definition of the term  
30        "adjacent to"; providing construction; requiring that  
31        a proposed development be administratively approved  
32        without further action by the board of county  
33        commissioners or governing body of a municipality,  
34        respectively, or any quasi-judicial or administrative  
35        board or reviewing body; providing that the removal or  
36        demolition of all or part of a structure does not  
37        require a public hearing for approval in certain  
38        circumstances; defining the term "allowable density";  
39        requiring counties and municipalities, respectively,  
40        to reduce parking requirements by a specified  
41        percentage in certain circumstances; authorizing  
42        counties and municipalities, respectively, to allow  
43        adjacent parcels of land to be included within a  
44        proposed multifamily development; revising  
45        applicability; requiring courts to give priority to  
46        civil actions filed against counties and  
47        municipalities, respectively, and render certain  
48        decisions as expeditiously as possible; requiring  
49        courts to assess and award reasonable attorney fees  
50        and costs to the prevailing party in such actions;

51 limiting the amount and recovery of such fees and  
52 costs; providing definitions; authorizing a certain  
53 approval process for proposed developments on parcels  
54 of land developed and maintained for specified  
55 purposes; authorizing counties and municipalities,  
56 respectively, to restrict the height of such proposed  
57 developments in certain circumstances; defining the  
58 term "adjacent to"; prohibiting counties and  
59 municipalities, respectively, from imposing or  
60 enforcing a building moratorium that delays the  
61 permitting or construction of multifamily residential  
62 or mixed-use residential development; providing an  
63 exception; requiring the court to assess and award  
64 reasonable attorney fees and costs not to exceed a  
65 specified amount; prohibiting the award of such fees  
66 and costs in certain circumstances; providing  
67 applicability; providing reporting requirements  
68 beginning on a date certain; amending s. 163.3202,  
69 F.S.; providing legislative intent; requiring the  
70 local government to designate certain property as  
71 historic by the adoption of a local preservation  
72 ordinance; requiring such property to be clearly  
73 identified on a map maintained by the local  
74 government; requiring property that is newly  
75 designated as historic to be included on the map

76        within a specified time period; requiring the local  
77        government to post the map on its website by a  
78        specified date and include certain additional  
79        information; providing applicability; authorizing  
80        certain applicants to give notice of intent to  
81        counties or municipalities, respectively, by a date  
82        certain to proceed under specified provisions;  
83        requiring such counties and municipalities,  
84        respectively, to allow such applicants the opportunity  
85        to submit revised notices; amending s. 196.1978, F.S.;  
86        requiring property appraisers to issue verification  
87        letters relating to multifamily projects qualifying  
88        for affordable housing property exemption in certain  
89        circumstances; providing that such verification is  
90        prima facie evidence that the project is eligible for  
91        exemption; providing a date on which such exemption  
92        begins; amending s. 380.0552, F.S.; revising  
93        provisions relating to the Florida Keys Area of  
94        Critical State Concern; defining the term "workforce  
95        housing"; amending s. 420.50871, F.S.; revising the  
96        types of affordable housing projects that the Florida  
97        Housing Corporation is required to finance; creating  
98        s. 420.5098, F.S.; providing legislative findings and  
99        intent; providing definitions; establishing state  
100       policy to support affordable workforce housing for

employees of health care facilities and governmental entities; authorizing certain developers to give priority to the development of such housing for employees of health care facilities and governmental entities; requiring that such priority conform to certain federal provisions; amending s. 760.22, F.S.; revising the definition of the term "person"; amending s. 760.26, F.S.; prohibiting discrimination in land use decisions and in permitting of development based on a development or proposed development being for housing that is affordable; providing construction and retroactive application; amending s. 760.35, F.S.; waiving sovereign immunity of the state for discriminatory housing practices; providing effective dates.

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

**Section 1. Subsections (6) and (7) of section 125.01055, Florida Statutes, are amended, and new subsections (9), (10), and (11) are added to that section, to read:**

125.01055 Affordable housing.—

(6) Notwithstanding any other law or local ordinance or regulation to the contrary, the board of county commissioners may approve the development of housing that is affordable, as

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

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

151 residential projects, at least 65 percent of the total square  
152 footage must be used for residential purposes. A county may not  
153 require that more than 10 percent of the total square footage of  
154 such mixed-use residential projects be used for nonresidential  
155 purposes.

156 (b) A county may not restrict the density of a proposed  
157 development authorized under this subsection below the highest  
158 currently allowed density or the highest density allowed on July  
159 1, 2023, on any unincorporated land in the county where  
160 residential development is allowed under the county's land  
161 development regulations. For purposes of this paragraph, the  
162 term "highest currently allowed density" does not include the  
163 density of any building that met the requirements of this  
164 subsection or the density of any building that has received any  
165 bonus, variance, or other special exception for density provided  
166 in the county's land development regulations as an incentive for  
167 development.

168 (c) A county may not restrict the floor area ratio of a  
169 proposed development authorized under this subsection below 150  
170 percent of the highest currently allowed floor area ratio or the  
171 highest floor ratio allowed on July 1, 2023, on any  
172 unincorporated land in the county where development is allowed  
173 under the county's land development regulations. For purposes of  
174 this paragraph, the term "highest currently allowed floor area  
175 ratio" does not include the floor area ratio of any building

176 that met the requirements of this subsection or the floor area  
177 ratio of any building that has received any bonus, variance, or  
178 other special exception for floor area ratio provided in the  
179 county's land development regulations as an incentive for  
180 development. For purposes of this subsection, the term "floor  
181 area ratio" includes floor lot ratio.

182       (d)1. A county may not restrict the height of a proposed  
183 development authorized under this subsection below the highest  
184 currently allowed height or the highest height allowed on July  
185 1, 2023, for a commercial or residential building located in its  
186 jurisdiction within 1 mile of the proposed development or 3  
187 stories, whichever is higher. For purposes of this paragraph,  
188 the term "highest currently allowed height" does not include the  
189 height of any building that met the requirements of this  
190 subsection or the height of any building that has received any  
191 bonus, variance, or other special exception for height provided  
192 in the county's land development regulations as an incentive for  
193 development.

194       2. If the proposed development is adjacent to, on two or  
195 more sides, a parcel zoned for single-family residential use  
196 which is within a single-family residential development with at  
197 least 25 contiguous single-family homes, the county may restrict  
198 the height of the proposed development to 150 percent of the  
199 tallest building on any property adjacent to the proposed  
200 development, the highest currently allowed height or the highest



height allowed on July 1, 2023, for the property provided in the county's land development regulations, or 3 stories, whichever is highest, but not to exceed 10 stories ~~higher~~. For the purposes of this paragraph, the term "adjacent to" means those properties sharing more than one point of a property line, but does not include properties separated by a public road or body of water, including a man-made lake or pond. For a proposed development located within a county within an area of critical state concern, as designated by s. 380.0552 and chapter 28-36, Florida Administrative Code, the term "story" includes only the habitable space beginning at the base flood elevation, as designated by the Federal Emergency Management Agency in the most recent Flood Insurance Rate Map. A story may not exceed 10 feet in height measured from finished floor to finished floor, including space for mechanical equipment. The highest story may not exceed 10 feet from finished floor to the top plate.

(e) A proposed development authorized under this subsection must be administratively approved without ~~and no~~ further action by the board of county commissioners or any quasi-judicial or administrative board or reviewing body ~~is required~~ if the development satisfies the county's land development regulations for multifamily developments in areas zoned for such use and is otherwise consistent with the comprehensive plan, with the exception of provisions establishing allowable densities, floor area ratios, height, and

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

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

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

transit stop is accessible from the development;-

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

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

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

~~2.3.~~ A county must eliminate parking requirements for a proposed mixed-use residential development authorized under this subsection within an area recognized by the county as a transit-oriented development or area, as provided in paragraph (h).

~~3.4.~~ For purposes of this paragraph, the term "major transportation hub" means any transit station, whether bus, train, or light rail, which is served by public transit with a mix of other transportation options.

(g) For proposed multifamily developments in an unincorporated area zoned for commercial or industrial use which

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

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

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

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

2. Nothing in this subsection precludes a proposed

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

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

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

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

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

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

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

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

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

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

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

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

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

341        1. "Commercial use" means any activity associated with the  
342 sale, rental, or distribution of a product or the performance of  
343 a service related to such product. The term includes, but is not  
344 limited to, such uses or activities as retail sales; wholesale  
345 sales; rental of equipment, goods, or products; offices;  
346 restaurants; public lodging establishments as described in s.  
347 509.242(1)(a); food service vendors; sports arenas; theaters;  
348 tourist attractions; and other for-profit business activities. A  
349 parcel zoned to allow such use by right, without the requirement  
350 to obtain a variance or waiver, is considered commercial use for

purposes of this subsection, regardless of the listed category or title in the local land development regulations. The term does not include a home-based business or a cottage food operation performed on residential property, a public lodging establishment as described in s. 509.242(1)(c), or a use that is accessory, ancillary, or incidental to the allowable use or allowed only on a temporary basis. In addition, the term does not include the following structures, regardless of their uses or zoning classifications:

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

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

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

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

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

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

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

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

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



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

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

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

426 125.66(3).

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

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

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

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

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

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

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

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

461       163.3202 Land development regulations.—

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

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

471       (c) Property that is designated by a local government as  
472 historic property or located in a historic district, or that is  
473 otherwise subject to land development regulations for purposes  
474 of historic preservation, must be clearly identified on a map  
475 that is maintained by the local government. Property that is

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

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

**Section 3. Subsections (6) and (7) of section 166.04151, Florida Statutes, are amended, and new subsections (9), (10), and (11) are added to that section, to read:**

166.04151 Affordable housing.—

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

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

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

526 residential projects be used for nonresidential purposes.

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

539 (c) A municipality may not restrict the floor area ratio  
540 of a proposed development authorized under this subsection below  
541 150 percent of the highest currently allowed floor area ratio or  
542 the highest floor area ratio allowed on July 1, 2023, on any  
543 land in the municipality where development is allowed under the  
544 municipality's land development regulations. For purposes of  
545 this paragraph, the term "highest currently allowed floor area  
546 ratio" does not include the floor area ratio of any building  
547 that met the requirements of this subsection or the floor area  
548 ratio of any building that has received any bonus, variance, or  
549 other special exception for floor area ratio provided in the  
550 municipality's land development regulations as an incentive for

development. For purposes of this subsection, the term "floor area ratio" includes floor lot ratio.

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

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

576 those properties sharing more than one point of a property line,  
577 but does not include properties separated by a public road or  
578 body of water, including a man-made lake or pond. For a proposed  
579 development located within a municipality within an area of  
580 critical state concern, as designated by s. 380.0552 and chapter  
581 28-36, Florida Administrative Code, the term "story" includes  
582 only the habitable space beginning at the base flood elevation,  
583 as designated by the Federal Emergency Management Agency in the  
584 most recent Flood Insurance Rate Map. A story may not exceed 10  
585 feet in height measured from finished floor to finished floor,  
586 including space for mechanical equipment. The highest story may  
587 not exceed 10 feet from finished floor to the top plate.

588 (e) A proposed development authorized under this  
589 subsection must be administratively approved without ~~and no~~  
590 further action by the governing body of the municipality or any  
591 quasi-judicial or administrative board or reviewing body ~~is~~  
592 ~~required~~ if the development satisfies the municipality's land  
593 development regulations for multifamily developments in areas  
594 zoned for such use and is otherwise consistent with the  
595 comprehensive plan, with the exception of provisions  
596 establishing allowable densities, floor area ratios, height, and  
597 land use. Such land development regulations include, but are not  
598 limited to, regulations relating to setbacks and parking  
599 requirements. Unless a structure is, as of July 1, 2023,  
600 classified as "contributing" in a local government historic



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

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

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

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

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

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

637        ~~2.3.~~ A municipality must eliminate parking requirements  
638 for a proposed mixed-use residential development authorized  
639 under this subsection within an area recognized by the  
640 municipality as a transit-oriented development or area, as  
641 provided in paragraph (h).

642        ~~3.4.~~ For purposes of this paragraph, the term "major  
643 transportation hub" means any transit station, whether bus,  
644 train, or light rail, which is served by public transit with a  
645 mix of other transportation options.

646        (g) A municipality that designates less than 20 percent of  
647 the land area within its jurisdiction for commercial or  
648 industrial use must authorize a proposed multifamily development  
649 as provided in this subsection in areas zoned for commercial or  
650 industrial use only if the proposed multifamily development is

651 mixed-use residential.

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

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

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

669       2. Nothing in this subsection precludes a proposed  
670 development authorized under this subsection from receiving a  
671 bonus for density, height, or floor area ratio pursuant to an  
672 ordinance or regulation of the jurisdiction where the proposed  
673 development is located if the proposed development satisfies the  
674 conditions to receive the bonus except for any condition which  
675 conflicts with this subsection. If a proposed development

676 qualifies for such bonus, the bonus must be administratively  
677 approved by the municipality and no further action by the  
678 governing body of the municipality is required.

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

683 (1)1. This subsection does not apply to:

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

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

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

689 d. The Everglades Protection Area, as defined in s.  
690 373.4592(2).

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

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

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

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

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

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

708 1. "Commercial use" means any activity associated with the  
709 sale, rental, or distribution of a product or the performance of  
710 a service related to such product. The term includes, but is not  
711 limited to, such uses or activities as retail sales; wholesale  
712 sales; rentals of equipment, goods, or products; offices;  
713 restaurants; public lodging establishments as described in s.  
714 509.242(1)(a); food service vendors; sports arenas; theaters;  
715 tourist attractions; and other for-profit business activities. A  
716 parcel zoned to allow such use by right, without the requirement  
717 to obtain a variance or waiver, is considered commercial use for  
718 purposes of this subsection, regardless of the listed category  
719 or title in the local land development regulations. The term  
720 does not include a home-based business or a cottage food  
721 operation performed on residential property, a public lodging  
722 establishment as described in s. 509.242(1)(c), or a use that is  
723 accessory, ancillary, or incidental to the allowable use or  
724 allowed only on a temporary basis. In addition, the term does  
725 not include the following structures, regardless of their uses

726 or zoning classifications:

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

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

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

748 3. "Mixed use" means any use that combines multiple types  
749 of approved land uses from at least two of the residential use,  
750 commercial use, or industrial use categories. The term does not

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

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

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

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

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

773 (10)(a) Except as provided in paragraphs (b) and (d), a  
774 municipality may not impose or enforce a building moratorium  
775 that has the effect of delaying the permitting or construction

776 of a multifamily residential or mixed-use residential  
777 development authorized under subsection (7).

778 (b) A municipality may, by ordinance, impose or enforce a  
779 building moratorium that has the effect of delaying the  
780 permitting or construction of a multifamily residential or  
781 mixed-use residential development for no more than 90 days  
782 within a 3-year period if, before the adoption of such  
783 ordinance, the municipality prepares or causes to be prepared an  
784 assessment of its need for affordable housing for extremely-low-  
785 income persons, very-low-income persons, low-income persons, and  
786 moderate-income persons, as defined in s. 420.0004, including  
787 projections of future need for the preceding 5 years. This  
788 assessment must be posted on the municipality's website by the  
789 date the notice of proposed ordinance adoption is published, and  
790 presented at the same public meeting at which the proposed  
791 ordinance is adopted by the governing body of the municipality.  
792 This assessment must be included in the business impact estimate  
793 for the enactment of a proposed ordinance as required by s.  
794 166.041(4).

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



801 incurred by or associated with litigation to determine an award  
802 of reasonable attorney fees or costs.

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

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

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

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

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

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

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

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

196.1978 Affordable housing property exemption.—

(3)

(n) Upon the request of a property owner, the property appraiser must issue a letter to verify that a multifamily project, if constructed and leased as described in the site

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

869 **Section 6. Paragraph (a) of subsection (9) of section**  
870 **380.0552, Florida Statutes, is amended to read:**

871 380.0552 Florida Keys Area; protection and designation as  
872 area of critical state concern.—

873 (9) MODIFICATION TO PLANS AND REGULATIONS.—

874 (a) Any land development regulation or element of a local  
875 comprehensive plan in the Florida Keys Area may be enacted,

876 amended, or rescinded by a local government, but the enactment,  
877 amendment, or rescission becomes effective only upon approval by  
878 the state land planning agency. The state land planning agency  
879 shall review the proposed change to determine if it is in  
880 compliance with the principles for guiding development specified  
881 in chapter 27F-8, Florida Administrative Code, as amended  
882 effective August 23, 1984, and must approve or reject the  
883 requested changes within 60 days after receipt. Amendments to  
884 local comprehensive plans in the Florida Keys Area must also be  
885 reviewed for compliance with the following:

886 1. Construction schedules and detailed capital financing  
887 plans for wastewater management improvements in the annually  
888 adopted capital improvements element, and standards for the  
889 construction of wastewater treatment and disposal facilities or  
890 collection systems that meet or exceed the criteria in s.  
891 403.086(11) for wastewater treatment and disposal facilities or  
892 s. 381.0065(4)(1) for onsite sewage treatment and disposal  
893 systems.

894 2. Goals, objectives, and policies to protect public  
895 safety and welfare in the event of a natural disaster by  
896 maintaining a hurricane evacuation clearance time for permanent  
897 residents of no more than 24 hours and 30 minutes. The hurricane  
898 evacuation clearance time shall be determined by a hurricane  
899 evacuation study conducted in accordance with a professionally  
900 accepted methodology and approved by the state land planning

901 agency. For purposes of hurricane evacuation clearance time:

902 a. Mobile home residents are not considered permanent  
903 residents.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

939  
940 For purposes of this subparagraph, the term "workforce housing"  
941 means residential dwelling units restricted for a period of at  
942 least 99 years to occupancy by households that derive at least  
943 70 percent of their household income from gainful employment in  
944 Monroe County, supplying goods or services to Monroe County  
945 residents or visitors.

946 **Section 7. Paragraph (d) of subsection (1) of section**  
947 **420.50871, Florida Statutes, is amended to read:**

948 420.50871 Allocation of increased revenues derived from  
949 amendments to s. 201.15 made by ch. 2023-17.—Funds that result  
950 from increased revenues to the State Housing Trust Fund derived

951 from amendments made to s. 201.15 made by chapter 2023-17, Laws  
952 of Florida, must be used annually for projects under the State  
953 Apartment Incentive Loan Program under s. 420.5087 as set forth  
954 in this section, notwithstanding ss. 420.507(48) and (50) and  
955 420.5087(1) and (3). The Legislature intends for these funds to  
956 provide for innovative projects that provide affordable and  
957 attainable housing for persons and families working, going to  
958 school, or living in this state. Projects approved under this  
959 section are intended to provide housing that is affordable as  
960 defined in s. 420.0004, notwithstanding the income limitations  
961 in s. 420.5087(2). Beginning in the 2023-2024 fiscal year and  
962 annually for 10 years thereafter:

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

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

975 **Section 8. Section 420.5098, Florida Statutes, is created**

976 **to read:**

977 420.5098 Public sector and health care facility employer-  
978 sponsored affordable workforce housing policy.-

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

985 (b) The Legislature further finds that pursuant to s.  
986 42(g) (9) (B) of the Internal Revenue Code, a qualified low-income  
987 housing project does not fail to meet the general public use  
988 requirement solely because of occupancy restrictions or  
989 preferences that favor tenants who are members of a specified  
990 group under a state program or policy that supports housing for  
991 such specified group.

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

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

997 (a) "Governmental entity" means a state agency, a county  
998 agency, or any other entity, however styled, that independently  
999 exercises any type of state or local function. The term includes  
1000 a public school, state university, or Florida College System



institution, and a special district as defined in s. 189.012.

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

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

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

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

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

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

1026           760.26 Prohibited discrimination in land use decisions and  
1027 in permitting of development.—It is unlawful to discriminate in  
1028 land use decisions or in the permitting of development based on  
1029 race, color, national origin, sex, disability, familial status,  
1030 religion;~~—or,~~ except as otherwise provided by law, based on the  
1031 source of financing of a development or proposed development; or  
1032 based on a development or proposed development being for housing  
1033 that is affordable as defined in s. 420.0004.

1034           **Section 11.** It is the intent of the Legislature that the  
1035 amendments made by this act to s. 760.26, Florida Statutes, are  
1036 remedial and clarifying in nature and apply retroactively to any  
1037 cause of action filed on or before the effective date of this  
1038 act.

1039           **Section 12. Subsection (4) of section 760.35, Florida**  
1040 **Statutes, is amended to read:**

1041           760.35 Civil actions and relief; administrative  
1042 procedures.—

1043           (4) If the court finds that a person has committed a  
1044 discriminatory housing practice ~~has occurred~~, it shall issue an  
1045 order prohibiting the practice and providing affirmative relief  
1046 from the effects of the practice, including injunctive and other  
1047 equitable relief, actual and punitive damages, and reasonable  
1048 attorney fees and costs. In accordance with s. 13, Art. X of the  
1049 State Constitution, the state, for itself and its agencies or  
1050 political subdivisions, waives sovereign immunity for causes of

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1051   action based on the application of this section.

1052       **Section 13.** Except as otherwise expressly provided in this  
1053   act, this act shall take effect July 1, 2025.