

1 A bill to be entitled
2 An act relating to affordable housing; amending ss.
3 125.01055 and 166.04151, F.S.; requiring counties and
4 municipalities, respectively, to authorize multifamily
5 and mixed-use residential uses as allowable uses for
6 specified property; requiring certain proposed
7 developments to be within specified geographic
8 boundaries; requiring certain counties,
9 municipalities, school districts, and religious
10 institutions to be a party to an application for
11 certain proposed developments; prohibiting counties
12 and municipalities, respectively, from restricting the
13 height of certain proposed developments in a certain
14 manner or requiring setbacks or step-backs that are
15 more restrictive than certain zoning regulations as
16 authorized by a specified date; revising the
17 definitions of the terms "commercial use" and
18 "industrial use"; defining the terms "multifamily
19 development" and "mixed-use residential development";
20 providing exceptions; amending s. 163.31771, F.S.;
21 defining the term "primary dwelling unit"; requiring,
22 rather than authorizing, local governments to adopt
23 certain ordinances relating to accessory dwelling
24 units by a specified date; requiring such ordinances
25 to apply prospectively; prohibiting such ordinances

26 | from including certain requirements; providing an
27 | exception to certain local governments; removing the
28 | requirement that a building permit application include
29 | a specified affidavit; prohibiting owners of certain
30 | property from being denied a homestead exemption;
31 | requiring certain accessory dwelling units to be
32 | assessed and taxed separately from the homestead
33 | property; authorizing applicants for certain proposed
34 | developments to notify, by a specified date, the
35 | county or municipality, as applicable, on the
36 | applicant's intent to proceed under certain provisions
37 | of law; requiring counties and municipalities to allow
38 | certain applicants to submit revised applications,
39 | written requests, or notices of intent to account for
40 | changes made by the act; amending s. 196.1978, F.S.;
41 | defining the term "multifamily project"; removing
42 | certain provisions relating to taxing authorities;
43 | amending s. 333.03, F.S.; providing that specified
44 | provisions of law relating to proposed developments do
45 | not apply to airport zoning regulations unless the
46 | governing body of the airport approves the
47 | application; amending s. 420.615, F.S.; authorizing
48 | local governments to provide certain incentives to
49 | landowners who donate property to provide affordable
50 | housing for military families; amending s. 760.22,

51 F.S.; revising the definition of the term "person";
 52 amending s. 760.26, F.S.; prohibiting certain
 53 discriminatory practices based on financing of a
 54 development, or a proposed development, for affordable
 55 housing; amending s. 760.35, F.S.; waiving the state's
 56 sovereign immunity for certain causes of action;
 57 providing applicability; requiring the Office of
 58 Program Policy Analysis and Government Accountability
 59 to evaluate certain methods to stimulate certain
 60 construction and the potential of tiny homes for a
 61 specified purpose; requiring the office to consult
 62 with certain entities; requiring the office to submit
 63 a report to the Legislature by a specified date;
 64 providing an effective date.

65
 66 Be It Enacted by the Legislature of the State of Florida:

67
 68 **Section 1. Paragraphs (a), (d), (n), and (o) of subsection**
 69 **(7) of section 125.01055, Florida Statutes, are amended to read:**

70 125.01055 Affordable housing.—

71 (7) (a) A county must authorize multifamily and mixed-use
 72 residential as allowable uses in any area zoned for commercial,
 73 industrial, or mixed use; and in portions of any flexibly zoned
 74 area such as a planned unit development permitted for
 75 commercial, industrial, or mixed use; on property owned by a

76 | county, municipality, or school district; and on property that
77 | is more than 3 acres in size and owned by a religious
78 | institution, as defined in s. 170.201(2), which has contained a
79 | house of public worship for at least 5 years before the proposed
80 | development, regardless of the underlying zoning, if at least 40
81 | percent of the residential units in a proposed multifamily
82 | development are rental units that, for a period of at least 30
83 | years, are affordable as defined in s. 420.0004. Notwithstanding
84 | any other law, local ordinance, or regulation to the contrary, a
85 | county may not require a proposed multifamily development to
86 | obtain a zoning or land use change, special exception,
87 | conditional use approval, variance, transfer of density or
88 | development units, amendment to a development of regional
89 | impact, or comprehensive plan amendment for the building height,
90 | zoning, and densities authorized under this subsection. For
91 | mixed-use residential projects, at least 65 percent of the total
92 | square footage must be used for residential purposes. The county
93 | may not require that more than 10 percent of the total square
94 | footage of such mixed-use residential projects be used for
95 | nonresidential purposes. A proposed development on property
96 | owned by a county, municipality, or school district must be
97 | within the geographic boundaries of the respective county,
98 | municipality, or school district, and the respective county,
99 | municipality, or school district must be a party to the
100 | application for the proposed development. A proposed development

101 on property owned by a religious institution must be applied for
102 by both the applicant and the religious institution, and the
103 house of public worship must continue to operate on the property
104 after the proposed development is constructed.

105 (d)1. A county may not restrict the height of a proposed
106 development authorized under this subsection below the highest
107 currently allowed, or allowed on July 1, 2023, height for a
108 commercial or residential building located in its jurisdiction
109 within 1 mile of the proposed development or three stories,
110 whichever is higher. A county may not restrict the height of a
111 proposed development below the height authorized in this
112 subparagraph through other dimensional means, such as height
113 determined by setbacks or step-backs, or require setbacks or
114 step-backs that are more restrictive than the minimum setbacks
115 or step-backs of the underlying zoning applicable to the
116 proposed development as authorized on July 1, 2023. For purposes
117 of this paragraph, the term "highest currently allowed height"
118 does not include the height of any building that met the
119 requirements of this subsection or the height of any building
120 that has received any bonus, variance, or other special
121 exception for height provided in the county's land development
122 regulations as an incentive for development.

123 2. If the proposed development is adjacent to, on two or
124 more sides, a parcel zoned for single-family residential use
125 which is within a single-family residential development with at

126 | least 25 contiguous single-family homes, the county may restrict
127 | the height of the proposed development to 150 percent of the
128 | tallest building on any property adjacent to the proposed
129 | development, the highest currently allowed, or allowed on July
130 | 1, 2023, height for the property provided in the county's land
131 | development regulations, or three stories, whichever is higher,
132 | not to exceed 10 stories. For the purposes of this paragraph,
133 | the term "adjacent to" means those properties sharing more than
134 | one point of a property line, but does not include properties
135 | separated by a public road.

136 | 3. If the proposed development is on a parcel with a
137 | contributing structure or building within a historic district
138 | which was listed in the National Register of Historic Places
139 | before January 1, 2000, or is on a parcel with a structure or
140 | building individually listed in the National Register of
141 | Historic Places, the county may restrict the height of the
142 | proposed development to the highest currently allowed, or
143 | allowed on July 1, 2023, height for a commercial or residential
144 | building located in its jurisdiction within three-fourths of a
145 | mile of the proposed development or three stories, whichever is
146 | higher. The term "highest currently allowed" in this paragraph
147 | includes the maximum height allowed for any building in a zoning
148 | district irrespective of any conditions.

149 | (n) As used in this subsection, the term:

150 | 1. "Commercial use" means activities associated with the

151 sale, rental, or distribution of products or the performance of
152 services related thereto. The term includes, but is not limited
153 to, such uses or activities as retail sales; wholesale sales;
154 rentals of equipment, goods, or products; offices; restaurants;
155 public lodging establishments as described in s. 509.242(1)(a);
156 food service vendors; sports arenas; theaters; tourist
157 attractions; and other for-profit business activities. A parcel
158 zoned to permit such uses by right without the requirement to
159 obtain a variance or waiver is considered commercial use for the
160 purposes of this section, irrespective of the local land
161 development regulation's listed category or title. The term does
162 not include home-based businesses or cottage food operations
163 undertaken on residential property, public lodging
164 establishments as described in s. 509.242(1)(c), or uses that
165 are accessory, ancillary, incidental to the allowable uses, or
166 allowed only on a temporary basis. Recreational uses, such as
167 golf courses, tennis courts, swimming pools, and clubhouses,
168 within an area designated for residential use are not commercial
169 use, irrespective of how they are operated. Farm and farm
170 operations, as those terms are defined in s. 823.14(3), and uses
171 associated therewith, including the packaging and sale of
172 products raised on the premises, are not commercial use.

173 2. "Industrial use" means activities associated with the
174 manufacture, assembly, processing, or storage of products or the
175 performance of services related thereto. The term includes, but

176 is not limited to, such uses or activities as automobile
177 manufacturing or repair, boat manufacturing or repair, junk
178 yards, ~~meat packing facilities, citrus processing and packing~~
179 ~~facilities, produce processing and packing facilities,~~
180 electrical generating plants, water treatment plants, sewage
181 treatment plants, and solid waste disposal sites. A parcel zoned
182 to permit such uses by right without the requirement to obtain a
183 variance or waiver is considered industrial use for the purposes
184 of this section, irrespective of the local land development
185 regulation's listed category or title. The term does not include
186 uses that are accessory, ancillary, incidental to the allowable
187 uses, or allowed only on a temporary basis. Recreational uses,
188 such as golf courses, tennis courts, swimming pools, and
189 clubhouses, within an area designated for residential use are
190 not industrial use, irrespective of how they are operated. Farm
191 and farm operations, as those terms are defined in s. 823.14(3),
192 and uses associated therewith, including the packaging and sale
193 of products raised on the premises, are not industrial use.

194 3. "Mixed use" means any use that combines multiple types
195 of approved land uses from at least two of the residential use,
196 commercial use, and industrial use categories. The term does not
197 include uses that are accessory, ancillary, incidental to the
198 allowable uses, or allowed only on a temporary basis.
199 Recreational uses, such as golf courses, tennis courts, swimming
200 pools, and clubhouses, within an area designated for residential

201 use are not mixed use, irrespective of how they are operated.

202 4. "Multifamily development" or "mixed-use residential
203 development" means a residential or mixed-use residential
204 development site authorized under this subsection, held under
205 common ownership or control, which may consist of an assemblage
206 of parcels separated only by land 15 feet or less and limited to
207 public pedestrian access.

208 ~~5.4.~~ "Planned unit development" has the same meaning as
209 provided in s. 163.3202(5)(b).

210 (o) This subsection does not apply to:

- 211 1. Airport-impacted areas as provided in s. 333.03.
- 212 2. Property defined as recreational and commercial working
213 waterfront in s. 342.201(2)(b) in any area zoned as industrial.
- 214 3. The Wekiva Study Area, as described in s. 369.316.
- 215 4. The Everglades Protection Area, as defined in s.
216 373.4592(2).

217 5. Areas subject to land development regulations, as
218 defined in s. 163.3164, that are in existence before July 1,
219 2026, and are intended to retain the open character of land,
220 including, but not limited to, open space districts, open space
221 recreation districts, open use estate districts, open use rural
222 districts, and park and open space districts.

223 6. Any area of critical state concern, as designated in
224 ss. 380.055, 380.0551, 380.0552, 380.0553, and 380.0555.

225 7. Any portion of a property encumbered by a recorded

226 conservation easement, as defined in s. 704.06(1).

227 **Section 2. Subsections (2) through (5) of section**
 228 **163.31771, Florida Statutes, are amended to read:**

229 163.31771 Accessory dwelling units.—

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

231 (a) "Accessory dwelling unit" means an ancillary or
 232 secondary living unit, that has a separate kitchen, bathroom,
 233 and sleeping area, existing either within the same structure, or
 234 on the same lot, as the primary dwelling unit.

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

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

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

243 (e)~~(d)~~ "Low-income persons" has the same meaning as in s.
 244 420.0004(11).

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

247 (g) "Primary dwelling unit" means an existing or a
 248 proposed single-family dwelling located on the property on which
 249 a proposed accessory dwelling unit would be located.

250 (h)~~(f)~~ "Very-low-income persons" has the same meaning as

251 in s. 420.0004(17).

252 (3) By December 1, 2026, a local government shall ~~may~~
253 adopt an ordinance to allow accessory dwelling units to be
254 approved without requiring a public hearing, variance,
255 conditional use permit, special permit, special exception, or
256 any other discretionary action, other than a determination that
257 a site plan conforms with applicable zoning regulations, in any
258 area zoned for single-family residential use. Such ordinance
259 must apply prospectively to accessory dwelling units approved
260 after the date on which the ordinance is adopted. The ordinance
261 may regulate the permitting, construction, and use of an
262 accessory dwelling unit, but may not do any of the following:

263 (a) Require that the owner of the property on which an
264 accessory dwelling unit is constructed reside in the primary
265 dwelling unit.

266 (b) Increase parking requirements on any property that can
267 accommodate an additional motor vehicle on a driveway without
268 impeding access to the primary dwelling unit.

269 (c) Require replacement parking if a garage, carport, or
270 covered parking structure is converted to create an accessory
271 dwelling unit.

272 (d) Impose discretionary review or hearing standards, such
273 as requiring a conditional use approval or special exception, to
274 construct an accessory dwelling unit or any other review
275 standards that do not apply generally to other housing in the

276 same district or zone.

277

278 A local government that is required by state law to limit the
279 number of new dwelling units within the local government's
280 jurisdiction is not required to adopt an ordinance in accordance
281 with this subsection, but may adopt an ordinance to allow
282 accessory dwelling units in any area zoned for single-family
283 residential use.

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

289 (4)-(5) Each accessory dwelling unit allowed by an
290 ordinance adopted under this section which provides affordable
291 rental housing applies shall apply toward satisfying the
292 affordable housing component of the housing element in the local
293 government's comprehensive plan under s. 163.3177(6)(f).

294 (5) The owner of property that has an accessory dwelling
295 unit may not be denied a homestead exemption for those portions
296 of the property on which the owner maintains a permanent
297 residence solely on the basis that an accessory dwelling unit
298 that is or may be rented to another person is located on the
299 property. However, if the accessory dwelling unit is rented to
300 another person, the accessory dwelling unit must be assessed

301 separately from the homestead property and taxed according to
 302 its use.

303 **Section 3. Paragraphs (a), (d), (n), and (o) of subsection**
 304 **(7) of section 166.04151, Florida Statutes, are amended to read:**

305 166.04151 Affordable housing.—

306 (7) (a) A municipality must authorize multifamily and
 307 mixed-use residential as allowable uses in any area zoned for
 308 commercial, industrial, or mixed use; ~~and~~ and in portions of any
 309 flexibly zoned area such as a planned unit development permitted
 310 for commercial, industrial, or mixed use; on property owned by a
 311 county, municipality, or school district; and on property that
 312 is more than 3 acres in size and owned by a religious
 313 institution, as defined in s. 170.201(2), which has contained a
 314 house of public worship for at least 5 years before the proposed
 315 development, regardless of the underlying zoning, if at least 40
 316 percent of the residential units in a proposed multifamily
 317 development are rental units that, for a period of at least 30
 318 years, are affordable as defined in s. 420.0004. Notwithstanding
 319 any other law, local ordinance, or regulation to the contrary, a
 320 municipality may not require a proposed multifamily development
 321 to obtain a zoning or land use change, special exception,
 322 conditional use approval, variance, transfer of density or
 323 development units, amendment to a development of regional
 324 impact, amendment to a municipal charter, or comprehensive plan
 325 amendment for the building height, zoning, and densities

326 authorized under this subsection. For mixed-use residential
327 projects, at least 65 percent of the total square footage must
328 be used for residential purposes. The municipality may not
329 require that more than 10 percent of the total square footage of
330 such mixed-use residential projects be used for nonresidential
331 purposes. A proposed development on property owned by a county,
332 municipality, or school district must be within the geographic
333 boundaries of the respective county, municipality, or school
334 district, and the respective county, municipality, or school
335 district must be a party to the application for the proposed
336 development. A proposed development on property owned by a
337 religious institution must be applied for by both the applicant
338 and the religious institution, and the house of public worship
339 must continue to operate on the property after the proposed
340 development is constructed.

341 (d)1. A municipality may not restrict the height of a
342 proposed development authorized under this subsection below the
343 highest currently allowed, or allowed on July 1, 2023, height
344 for a commercial or residential building located in its
345 jurisdiction within 1 mile of the proposed development or three
346 stories, whichever is higher. A municipality may not restrict
347 the height of a proposed development below the height authorized
348 in this subparagraph through other dimensional means, such as
349 height determined by setbacks or step-backs, or require setbacks
350 or step-backs that are more restrictive than the minimum

351 setbacks or step-backs of the underlying zoning applicable to
352 the proposed development as authorized on July 1, 2023. For
353 purposes of this paragraph, the term "highest currently allowed
354 height" does not include the height of any building that met the
355 requirements of this subsection or the height of any building
356 that has received any bonus, variance, or other special
357 exception for height provided in the municipality's land
358 development regulations as an incentive for development.

359 2. If the proposed development is adjacent to, on two or
360 more sides, a parcel zoned for single-family residential use
361 that is within a single-family residential development with at
362 least 25 contiguous single-family homes, the municipality may
363 restrict the height of the proposed development to 150 percent
364 of the tallest building on any property adjacent to the proposed
365 development, the highest currently allowed, or allowed on July
366 1, 2023, height for the property provided in the municipality's
367 land development regulations, or three stories, whichever is
368 higher, not to exceed 10 stories. For the purposes of this
369 paragraph, the term "adjacent to" means those properties sharing
370 more than one point of a property line, but does not include
371 properties separated by a public road or body of water,
372 including manmade lakes or ponds. For a proposed development
373 located within a municipality within an area of critical state
374 concern as designated by s. 380.0552 or chapter 28-36, Florida
375 Administrative Code, the term "story" includes only the

376 | habitable space above the base flood elevation as designated by
377 | the Federal Emergency Management Agency in the most current
378 | Flood Insurance Rate Map. A story may not exceed 10 feet in
379 | height measured from finished floor to finished floor, including
380 | space for mechanical equipment. The highest story may not exceed
381 | 10 feet from finished floor to the top plate.

382 | 3. If the proposed development is on a parcel with a
383 | contributing structure or building within a historic district
384 | which was listed in the National Register of Historic Places
385 | before January 1, 2000, or is on a parcel with a structure or
386 | building individually listed in the National Register of
387 | Historic Places, the municipality may restrict the height of the
388 | proposed development to the highest currently allowed, or
389 | allowed on July 1, 2023, height for a commercial or residential
390 | building located in its jurisdiction within three-fourths of a
391 | mile of the proposed development or three stories, whichever is
392 | higher. The term "highest currently allowed" in this paragraph
393 | includes the maximum height allowed for any building in a zoning
394 | district irrespective of any conditions.

395 | (n) As used in this subsection, the term:

396 | 1. "Commercial use" means activities associated with the
397 | sale, rental, or distribution of products or the performance of
398 | services related thereto. The term includes, but is not limited
399 | to, such uses or activities as retail sales; wholesale sales;
400 | rentals of equipment, goods, or products; offices; restaurants;

401 public lodging establishments as described in s. 509.242(1)(a);
402 food service vendors; sports arenas; theaters; tourist
403 attractions; and other for-profit business activities. A parcel
404 zoned to permit such uses by right without the requirement to
405 obtain a variance or waiver is considered commercial use for the
406 purposes of this section, irrespective of the local land
407 development regulation's listed category or title. The term does
408 not include home-based businesses or cottage food operations
409 undertaken on residential property, public lodging
410 establishments as described in s. 509.242(1)(c), or uses that
411 are accessory, ancillary, incidental to the allowable uses, or
412 allowed only on a temporary basis. Recreational uses, such as
413 golf courses, tennis courts, swimming pools, and clubhouses,
414 within an area designated for residential use are not commercial
415 use, irrespective of how they are operated. Farm and farm
416 operations, as those terms are defined in s. 823.14(3), and uses
417 associated therewith, including the packaging and sale of
418 products raised on the premises, are not commercial use.

419 2. "Industrial use" means activities associated with the
420 manufacture, assembly, processing, or storage of products or the
421 performance of services related thereto. The term includes, but
422 is not limited to, such uses or activities as automobile
423 manufacturing or repair, boat manufacturing or repair, junk
424 yards, ~~meat packing facilities, citrus processing and packing~~
425 ~~facilities, produce processing and packing facilities,~~

426 electrical generating plants, water treatment plants, sewage
427 treatment plants, and solid waste disposal sites. A parcel zoned
428 to permit such uses by right without the requirement to obtain a
429 variance or waiver is considered industrial use for the purposes
430 of this section, irrespective of the local land development
431 regulation's listed category or title. The term does not include
432 uses that are accessory, ancillary, incidental to the allowable
433 uses, or allowed only on a temporary basis. Recreational uses,
434 such as golf courses, tennis courts, swimming pools, and
435 clubhouses, within an area designated for residential use are
436 not industrial use, irrespective of how they are operated. Farm
437 and farm operations, as those terms are defined in s. 823.14(3),
438 and uses associated therewith, including the packaging and sale
439 of products raised on the premises, are not industrial use.

440 3. "Mixed use" means any use that combines multiple types
441 of approved land uses from at least two of the residential use,
442 commercial use, and industrial use categories. The term does not
443 include uses that are accessory, ancillary, incidental to the
444 allowable uses, or allowed only on a temporary basis.
445 Recreational uses, such as golf courses, tennis courts, swimming
446 pools, and clubhouses, within an area designated for residential
447 use are not mixed use, irrespective of how they are operated.

448 4. "Multifamily development" or "mixed-use residential
449 development" means a residential or mixed-use residential
450 development site authorized under this subsection, held under

451 common ownership or control, which may consist of an assemblage
 452 of parcels separated only by land 15 feet or less and limited to
 453 public pedestrian access.

454 5.4. "Planned unit development" has the same meaning as
 455 provided in s. 163.3202(5)(b).

456 (o) This subsection does not apply to:

- 457 1. Airport-impacted areas as provided in s. 333.03.
- 458 2. Property defined as recreational and commercial working
 459 waterfront in s. 342.201(2)(b) in any area zoned as industrial.
- 460 3. The Wekiva Study Area, as described in s. 369.316.
- 461 4. The Everglades Protection Area, as defined in s.
 462 373.4592(2).

463 5. Areas subject to land development regulations, as
 464 defined in s. 163.3164, that are in existence before July 1,
 465 2026, and are intended to retain the open character of land,
 466 including, but not limited to, open space districts, open space
 467 recreation districts, open use estate districts, open use rural
 468 districts, and park and open space districts.

469 6. Any area of critical state concern, as designated in
 470 ss. 380.055, 380.0551, 380.0552, 380.0553, and 380.0555.

471 7. Any portion of a property encumbered by a recorded
 472 conservation easement, as defined in s. 704.06(1).

473 **Section 4.** An applicant for a proposed development
 474 authorized under s. 125.01055(7), Florida Statutes, or s.
 475 166.04151(7), Florida Statutes, who submitted an application, a

476 written request, or a notice of intent pursuant to either
477 section to a county or municipality and such application,
478 written request, or notice of intent was received by the county
479 or municipality, as applicable, before July 1, 2026, may notify
480 the county or municipality by July 1, 2026, of the applicant's
481 intent to proceed under s. 125.01055(7), Florida Statutes, or s.
482 166.04151(7), Florida Statutes, as the section existed at the
483 time the application, written notice, or notice of intent was
484 submitted. A county or municipality, as applicable, must allow
485 an applicant who submitted an application, a written notice, or
486 a notice of intent before July 1, 2026, the opportunity to
487 submit a revised application, written request, or notice of
488 intent to account for the changes made by this act.

489 **Section 5. Paragraphs (a) and (o) of subsection (3) of**
490 **section 196.1978, Florida Statutes, are amended to read:**

491 196.1978 Affordable housing property exemption.—

492 (3) (a) As used in this subsection, the term:

493 1. "Corporation" means the Florida Housing Finance
494 Corporation.

495 2. "Multifamily project" means a development authorized
496 under this section which is held under common ownership or
497 control and approved and developed in compliance with the same
498 site plan approval or development order. The term does not
499 include individual detached single-family residences.

500 ~~3.2.~~ "Newly constructed" means an improvement to real

501 property which was substantially completed within 5 years before
502 the date of an applicant's first submission of a request for a
503 certification notice pursuant to this subsection.

504 4.3. "Substantially completed" has the same meaning as in
505 s. 192.042(1).

506 ~~(e)1. Beginning with the 2025 tax roll, a taxing authority~~
507 ~~may elect, upon adoption of an ordinance or resolution approved~~
508 ~~by a two-thirds vote of the governing body, not to exempt~~
509 ~~property under sub-subparagraph (d)1.a. located in a county~~
510 ~~specified pursuant to subparagraph 2., subject to the conditions~~
511 ~~of this paragraph.~~

512 ~~2. A taxing authority must make a finding in the ordinance~~
513 ~~or resolution that the most recently published Shimberg Center~~
514 ~~for Housing Studies Annual Report, prepared pursuant to s.~~
515 ~~420.6075, identifies that a county that is part of the~~
516 ~~jurisdiction of the taxing authority is within a metropolitan~~
517 ~~statistical area or region where the number of affordable and~~
518 ~~available units in the metropolitan statistical area or region~~
519 ~~is greater than the number of renter households in the~~
520 ~~metropolitan statistical area or region for the category~~
521 ~~entitled "0-120 percent AMI."~~

522 ~~3. An election made pursuant to this paragraph may apply~~
523 ~~only to the ad valorem property tax levies imposed within a~~
524 ~~county specified pursuant to subparagraph 2. by the taxing~~
525 ~~authority making the election.~~

526 ~~4. The ordinance or resolution must take effect on the~~
527 ~~January 1 immediately succeeding adoption and shall expire on~~
528 ~~the second January 1 after the January 1 in which the ordinance~~
529 ~~or resolution takes effect. The ordinance or resolution may be~~
530 ~~renewed prior to its expiration pursuant to this paragraph.~~

531 ~~5. The taxing authority proposing to make an election~~
532 ~~under this paragraph must advertise the ordinance or resolution~~
533 ~~or renewal thereof pursuant to the requirements of s. 50.011(1)~~
534 ~~prior to adoption.~~

535 ~~6. The taxing authority must provide to the property~~
536 ~~appraiser the adopted ordinance or resolution or renewal thereof~~
537 ~~by the effective date of the ordinance or resolution or renewal~~
538 ~~thereof.~~

539 ~~7. Notwithstanding an ordinance or resolution or renewal~~
540 ~~thereof adopted pursuant to this paragraph, property in a~~
541 ~~multifamily project that received an exemption pursuant to sub-~~
542 ~~paragraph (d)1.a. before the adoption or renewal of such~~
543 ~~ordinance or resolution may continue to receive such exemption~~
544 ~~for each subsequent consecutive year that the same owner or each~~
545 ~~successive owner applies for and is granted the exemption.~~

546 **Section 6. Subsection (5) of section 333.03, Florida**
547 **Statutes, is amended to read:**

548 333.03 Requirement to adopt airport zoning regulations.—

549 (5) Sections 125.01055(7) and 166.04151(7) do not apply to
550 any of the following, unless the respective application is

551 approved by the governing body of the airport:

552 (a) A proposed development near a runway within one-
 553 quarter of a mile laterally from the runway edge and within an
 554 area that is the width of one-quarter of a mile extending at
 555 right angles from the end of the runway for a distance of 10,000
 556 feet of any existing airport runway or planned airport runway
 557 identified in the local government's airport master plan.

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

562 (c) A proposed development that exceeds maximum height
 563 restrictions identified in the political subdivision's airport
 564 zoning regulation adopted pursuant to this section.

565 **Section 7. Subsection (1) of section 420.615, Florida**
 566 **Statutes, is amended to read:**

567 420.615 Affordable housing land donation density bonus
 568 incentives.—

569 (1) A local government may provide density bonus
 570 incentives pursuant to ~~the provisions of~~ this section to any
 571 landowner who voluntarily donates fee simple interest in real
 572 property to the local government for the purpose of assisting
 573 the local government in providing affordable housing, including
 574 housing that is affordable for military families receiving the
 575 basic allowance for housing. Donated real property must be

576 determined by the local government to be appropriate for use as
 577 affordable housing and must be subject to deed restrictions to
 578 ensure that the property will be used for affordable housing.

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

581 760.22 Definitions.—As used in ss. 760.20–760.37, the
 582 term:

583 (8) "Person" includes one or more individuals,
 584 corporations, partnerships, associations, labor organizations,
 585 legal representatives, mutual companies, joint-stock companies,
 586 trusts, unincorporated organizations, trustees, trustees in
 587 bankruptcy, receivers, ~~and~~ fiduciaries, agencies, governmental
 588 entities, and other legal or commercial entities.

589 **Section 9. Section 760.26, Florida Statutes, is amended to**
 590 **read:**

591 760.26 Prohibited discrimination in land use decisions and
 592 in permitting of development.—It is unlawful to discriminate in
 593 land use decisions or in the permitting of development based on
 594 race, color, national origin, sex, disability, familial status,
 595 or religion, or, except as otherwise provided by law, based on
 596 the source of financing of a development or proposed
 597 development, including, but not limited to, financing of a
 598 development or a proposed development for housing that is
 599 affordable as defined in s. 420.0004.

600 **Section 10. Subsection (4) of section 760.35, Florida**

601 **Statutes, is amended to read:**

602 760.35 Civil actions and relief; administrative
603 procedures.—

604 (4) If the court finds that a person has engaged in a
605 discriminatory housing practice has occurred, it must shall
606 issue an order prohibiting the practice and providing
607 affirmative relief from the effects of the practice, including
608 injunctive and other equitable relief, actual and punitive
609 damages, and reasonable attorney fees and costs. In accordance
610 with s. 13, Art. X of the State Constitution, the state, for
611 itself and its agencies or political subdivisions, waives
612 sovereign immunity for a cause of action based on a violation of
613 part II of chapter 760. Such waiver is limited only to actions
614 brought under this section.

615 **Section 11.** The Office of Program Policy Analysis and
616 Government Accountability (OPPAGA) shall evaluate the efficacy
617 of using mezzanine finance or second-position short-term debt to
618 stimulate the construction of owner-occupied housing that is
619 affordable as defined in s. 420.0004(3), Florida Statutes, in
620 this state. OPPAGA shall also evaluate the potential of tiny
621 homes to meet the need for affordable housing in this state.
622 OPPAGA shall consult with the Florida Housing Finance
623 Corporation and the Shimberg Center for Housing Studies at the
624 University of Florida in conducting its evaluation. By December
625 31, 2027, OPPAGA shall submit a report of its findings to the

626 | President of the Senate and the Speaker of the House of
627 | Representatives. Such report must include recommendations for
628 | the structuring of a model mezzanine finance program.

629 | **Section 12.** This act shall take effect July 1, 2026.