

By the Appropriations Committee on Transportation, Tourism, and Economic Development; and Senators Gaetz, Osgood, and Pizzo

606-01942-26

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A bill to be entitled

An act relating to housing; amending s. 163.31771, F.S.; defining the terms "by right" and "primary dwelling unit"; requiring, rather than authorizing, local governments to adopt, by a specified date, an ordinance to allow accessory dwelling units by right in certain areas; requiring that such ordinances apply prospectively; providing that such ordinances may regulate specified actions; prohibiting the inclusion of certain requirements or prohibitions in such ordinances; deleting a requirement that an application for a building permit to construct an accessory dwelling unit include a certain affidavit; revising the accessory dwelling units that apply toward satisfying a certain component of a local government's comprehensive plan; prohibiting the denial of a homestead exemption for certain portions of property on a specified basis; requiring that a rented accessory dwelling unit be assessed separately from the homestead property and taxed according to its use; amending s. 420.615, F.S.; authorizing a local government to provide a density bonus incentive to landowners who make certain real property donations to assist in the provision of affordable housing for military families; requiring the Office of Program Policy Analysis and Government Accountability to evaluate the efficacy of using mezzanine finance and the potential of tiny homes for specified purposes; requiring the office to consult with certain entities;

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requiring the office to submit a certain report to the
Legislature by a specified date; providing an
effective date.

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

Section 1. Subsections (2) through (5) of section
163.31771, Florida Statutes, are amended, and a new subsection
(5) is added to that section, to read:

163.31771 Accessory dwelling units.—

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

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

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

(c) "By right" means the ability to be approved without
requiring a public hearing; a variance, conditional use permit,
special permit, or special exception; or other discretionary
action, other than a determination that a site plan conforms
with applicable zoning regulations.

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

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

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

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59 s. 420.0004(12).

60 (h) "Primary dwelling unit" means an existing or proposed
61 single-family dwelling on the property where a proposed
62 accessory dwelling unit would be located.

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

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

67 (3) By December 1, 2026, a local government shall ~~may~~ adopt
68 an ordinance to allow accessory dwelling units by right in any
69 area zoned for single-family residential use. Such ordinance
70 must apply prospectively to accessory dwelling units approved
71 after the date the ordinance is adopted. Such ordinance may
72 regulate the permitting, construction, and use of an accessory
73 dwelling unit but may not do any of the following:

74 (a) Prohibit the renting or leasing of an accessory
75 dwelling unit, except to prohibit the renting or leasing of an
76 accessory dwelling unit approved after the effective date of the
77 ordinance for a term of less than 1 month, notwithstanding s.
78 509.032(7) (b).

79 (b) Require that the owner of a parcel on which an
80 accessory dwelling unit is constructed reside in the primary
81 dwelling unit.

82 (c) Increase parking requirements on any parcel that can
83 accommodate an additional motor vehicle on a driveway without
84 impeding access to the primary dwelling unit.

85 (d) Require replacement parking if a garage, carport, or
86 covered parking structure is converted to create an accessory
87 dwelling unit.

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88 (e) Impose discretionary review or hearing standards, such
89 as requiring a conditional use approval or special exception to
90 construct an accessory dwelling unit, or other review standards
91 that do not apply generally to other housing in the same
92 district or zone.

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

98 ~~(5)~~ Each accessory dwelling unit allowed by an ordinance
99 adopted under this section which provides affordable rental
100 housing shall apply toward satisfying the affordable housing
101 component of the housing element in the local government's
102 comprehensive plan under s. 163.3177(6)(f).

103 (5) The owner of a property with an accessory dwelling unit
104 may not be denied a homestead exemption for those portions of
105 property on which the owner maintains a permanent residence
106 solely on the basis of the property containing an accessory
107 dwelling unit that is or may be rented to another person.
108 However, if the accessory dwelling unit is rented to another
109 person, the accessory dwelling unit must be assessed separately
110 from the homestead property and taxed according to its use.

111 Section 2. Subsection (1) of section 420.615, Florida
112 Statutes, is amended to read:

113 420.615 Affordable housing land donation density bonus
114 incentives.—

115 (1) A local government may provide density bonus incentives
116 pursuant to ~~the provisions of~~ this section to any landowner who

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117 voluntarily donates fee simple interest in real property to the
118 local government for the purpose of assisting the local
119 government in providing affordable housing, including housing
120 that is affordable for military families receiving the basic
121 allowance for housing. Donated real property must be determined
122 by the local government to be appropriate for use as affordable
123 housing and must be subject to deed restrictions to ensure that
124 the property will be used for affordable housing.

125 Section 3. The Office of Program Policy Analysis and
126 Government Accountability (OPPAGA) shall evaluate the efficacy
127 of using mezzanine finance, or second-position short-term debt,
128 to stimulate the construction of owner-occupied housing that is
129 affordable as defined in s. 420.0004(3), Florida Statutes, in
130 this state. OPPAGA shall also evaluate the potential of tiny
131 homes in meeting the need for affordable housing in this state.
132 OPPAGA shall consult with the Florida Housing Finance
133 Corporation and the Shimberg Center for Housing Studies at the
134 University of Florida in conducting its evaluation. By December
135 31, 2027, OPPAGA shall submit a report of its findings to the
136 President of the Senate and the Speaker of the House of
137 Representatives. Such report must include recommendations for
138 the structuring of a model mezzanine finance program.

139 Section 4. This act shall take effect July 1, 2026.