

By Senator Davis

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A bill to be entitled
An act relating to affordable housing; amending s.
125.01055, F.S.; increasing the length of time that
certain rental units must remain affordable in order
to qualify for a specified zoning variance; amending
s. 166.04151, F.S.; requiring that certain incentives
be used for the construction of affordable housing;
increasing the length of time that certain rental
units must remain affordable in order to qualify for a
specified zoning variance; amending s. 196.1978, F.S.;
decreasing the maximum median income used to determine
eligibility for certain tax incentives; amending s.
201.02, F.S.; specifying that documentary stamp taxes
do not apply to deeds, transfers, or conveyances of
residential property to first-time homebuyers;
defining the term "first-time homebuyer"; amending s.
201.08, F.S.; specifying that documentary stamp taxes
do not apply to certain documents executed by a first-
time homebuyer in connection with the purchase of a
principal residence; defining the term "first-time
homebuyer"; providing an effective date.

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

Section 1. Paragraph (a) of subsection (7) of section
125.01055, Florida Statutes, is amended to read:

125.01055 Affordable housing.—

(7)(a) A county must authorize multifamily and mixed-use
residential as allowable uses in any area zoned for commercial,

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30 industrial, or mixed use, and in portions of any flexibly zoned
31 area such as a planned unit development permitted for
32 commercial, industrial, or mixed use, if at least 40 percent of
33 the residential units in a proposed multifamily development are
34 rental units that, for a period of at least 50 ~~30~~ years, are
35 affordable as defined in s. 420.0004. Notwithstanding any other
36 law, local ordinance, or regulation to the contrary, a county
37 may not require a proposed multifamily development to obtain a
38 zoning or land use change, special exception, conditional use
39 approval, variance, transfer of density or development units,
40 amendment to a development of regional impact, or comprehensive
41 plan amendment for the building height, zoning, and densities
42 authorized under this subsection. For mixed-use residential
43 projects, at least 65 percent of the total square footage must
44 be used for residential purposes. The county may not require
45 that more than 10 percent of the total square footage of such
46 mixed-use residential projects be used for nonresidential
47 purposes.

48 Section 2. Subsection (4) and paragraph (a) of subsection
49 (7) of section 166.04151, Florida Statutes, are amended to read:

50 166.04151 Affordable housing.—

51 (4) In exchange for a developer fulfilling the requirements
52 of subsection (2) or, for residential or mixed-use residential
53 development, the requirements of subsection (3), a municipality
54 must provide incentives to fully offset all costs to the
55 developer of its affordable housing contribution or linkage fee.
56 Such incentives may include, but are not limited to:

57 (a) Allowing the developer density or intensity bonus
58 incentives or more floor space than allowed under the current or

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59 proposed future land use designation or zoning;

60 (b) Reducing or waiving fees, such as impact fees or water
61 and sewer charges; or

62 (c) Granting other incentives.

63
64 Any incentives provided under this subsection must be used for
65 the construction of affordable housing.

66 (7)(a) A municipality must authorize multifamily and mixed-
67 use residential as allowable uses in any area zoned for
68 commercial, industrial, or mixed use, and in portions of any
69 flexibly zoned area such as a planned unit development permitted
70 for commercial, industrial, or mixed use, if at least 40 percent
71 of the residential units in a proposed multifamily development
72 are rental units that, for a period of at least 50 ~~30~~ years, are
73 affordable as defined in s. 420.0004. Notwithstanding any other
74 law, local ordinance, or regulation to the contrary, a
75 municipality may not require a proposed multifamily development
76 to obtain a zoning or land use change, special exception,
77 conditional use approval, variance, transfer of density or
78 development units, amendment to a development of regional
79 impact, amendment to a municipal charter, or comprehensive plan
80 amendment for the building height, zoning, and densities
81 authorized under this subsection. For mixed-use residential
82 projects, at least 65 percent of the total square footage must
83 be used for residential purposes. The municipality may not
84 require that more than 10 percent of the total square footage of
85 such mixed-use residential projects be used for nonresidential
86 purposes.

87 Section 3. Paragraphs (d) and (o) of subsection (3) of

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section 196.1978, Florida Statutes, are amended to read:

196.1978 Affordable housing property exemption.—

(3)

(d)1. The property appraiser shall exempt:

a. Seventy-five percent of the assessed value of the units in multifamily projects that meet the requirements of this subsection and are used to house natural persons or families whose annual household income is greater than 80 percent but not more than 100 ~~120~~ percent of the median annual adjusted gross income for households within the metropolitan statistical area or, if not within a metropolitan statistical area, within the county in which the person or family resides; and

b. From ad valorem property taxes the units in multifamily projects that meet the requirements of this subsection and are used to house natural persons or families whose annual household income does not exceed 80 percent of the median annual adjusted gross income for households within the metropolitan statistical area or, if not within a metropolitan statistical area, within the county in which the person or family resides.

2. When determining the value of a unit for purposes of applying an exemption pursuant to this paragraph, the property appraiser must include in such valuation the proportionate share of the residential common areas, including the land, fairly attributable to such unit.

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

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of this paragraph.

2. A taxing authority must make a finding in the ordinance or resolution that the most recently published Shimberg Center for Housing Studies Annual Report, prepared pursuant to s. 420.6075, identifies that a county that is part of the jurisdiction of the taxing authority is within a metropolitan statistical area or region where the number of affordable and available units in the metropolitan statistical area or region is greater than the number of renter households in the metropolitan statistical area or region for the category entitled "0-100 ~~120~~ percent AMI."

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

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

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

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

7. Notwithstanding an ordinance or resolution or renewal

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thereof adopted pursuant to this paragraph, property in a multifamily project that received an exemption pursuant to subparagraph (d)1.a. before the adoption or renewal of such ordinance or resolution may continue to receive such exemption for each subsequent consecutive year that the same owner or each successive owner applies for and is granted the exemption.

Section 4. Present subsections (9), (10), and (11) of section 201.02, Florida Statutes, are redesignated as subsections (10), (11), and (12), respectively, and a new subsection (9) is added to that section, to read:

201.02 Tax on deeds and other instruments relating to real property or interests in real property.—

(9) Taxes imposed by this section do not apply to a deed, transfer, or conveyance that transfers or conveys residential property to a first-time homebuyer for use as a principal residence. For purposes of this subsection, the term "first-time homebuyer" means a person who has not held ownership interest in a principal residence during the 3-year period before the date of purchase of the principal residence and who is a moderate-income person as defined in s. 420.602.

Section 5. Subsection (10) is added to section 201.08, Florida Statutes, to read:

201.08 Tax on promissory or nonnegotiable notes, written obligations to pay money, or assignments of wages or other compensation; exception.—

(10) Taxes imposed by this section do not apply to documents described in subsection (1) that are executed by a first-time homebuyer in connection with the purchase of a principal residence. For purposes of this subsection, the term

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175 "first-time homebuyer" means a person who has not held ownership
176 interest in a principal residence during the 3-year period
177 before the date of purchase of the principal residence and who
178 is a moderate-income person as defined in s. 420.602.

179 Section 6. This act shall take effect July 1, 2026.