

Housing, Agriculture & Tourism Subcommittee

Tuesday, March 25, 2025
12:00 PM - 3:00 PM
Morris Hall (17 HOB)

Meeting Packet

Daniel Perez
Speaker

Michelle Salzman
Chair

The Florida House of Representatives

Commerce Committee

Housing, Agriculture & Tourism Subcommittee

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Meeting Agenda

Tuesday, March 25, 2025
12:00 pm – 3:00 pm
Morris Hall (17 HOB)

I. Call to Order

II. Roll Call

III. Welcome and Opening Remarks

IV. Consideration of the following bill(s):

- HB 393 My Safe Florida Condominium Pilot Program by Lopez, V., Hunschofsky
- CS/HB 411 Affordable Property Ad Valorem Tax Exemption on Leased Land by Ways & Means Committee, Chaney
- HB 701 Local Housing Assistance Plans by Stark, Berfield
- HB 793 Aerospace Innovation Funding by Kendall
- HB 943 Real Property and Land Use and Development by Lopez, V.

V. Closing Remarks

VI. Adjournment

HB 393

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: HB 393	**COMPANION BILL:** CS/SB 592 (Leek)
TITLE: My Safe Florida Condominium Pilot Program	**LINKED BILLS:** None
SPONSOR(S): Lopez, V., Hunschofsky	**RELATED BILLS:** None

Committee References

Housing, Agriculture & Tourism ➤ Budget ➤ Commerce

SUMMARY

Effect of the Bill:

The bill:

- Amends the definition of "condominium" under the My Safe Florida Condominium Pilot Program (Program) to exclude detached units on individual parcels of land;
- Limits participation in the Program to condominiums that are three stories or more in height;
- Requires that a building that is the subject of a Program mitigation grant must include at least one residential unit;
- Provides that only 75 percent of unit owners, rather than 100 percent of unit owners, must approve the application for the grant;
- Clarifies that all grants under the Program must be matched on the basis of $1 provided by the condominium association for every $2 provided by the state towards the actual cost of the project;
- Revises the amount that may be funded for roof-related and "opening protection-related" projects (which include projects related to exterior doors, garage doors, windows, and skylights); and
- Revises the roof-related improvements that are eligible for funding.

Fiscal or Economic Impact:

The bill has an indeterminate impact on the private sector.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

My Safe Florida Condominium Pilot Program

The bill makes changes to the My Safe Florida Condominium Pilot Program (Program). The bill:

- Amends the definition of "condominium" to exclude detached units on individual parcels of land.
- Limits participation in the Program to condominiums that are three stories or more in height and requires that a structure or building that is subject of a mitigation grant must include at least one residential unit within the structure or building. (Section 1.)

The bill requires the approval of at least 75 percent of all unit owners who reside within a structure or building that is the subject of a mitigation grant, rather than approval of 100 percent of the unit owners. This requirement replaces the current requirement to obtain unanimous approval. (Section 1.)

Grant Awards: Funding and Maximums

The bill clarifies that all grants under the Program must be matched on the basis of $1 provided by an association for $2 provided by the state *toward the actual cost of a project*. (Section 1.)

The bill eliminates the restrictions that limit grant contributions for a roof-related project to $11 per square foot multiplied by the square footage of the replacement roof, not to exceed $1,000 per unit, with a maximum grant award of 50 percent of the cost of the project. For opening protection-related projects, the bill eliminates the limitation on grant contributions to a maximum grant award of $750 per replacement window or door, not to exceed $1,500 per unit, with a maximum grant award of 50 percent of the cost of the project. (Section 1.)

The maximum total grant award for *all* roof and opening protection-related projects is $175,000 per association. (Section 1.)

Roof-Related Improvements

The bill specifies that, when recommended by a hurricane mitigation inspection report, a grant for an eligible association may be used for the following roof-related improvements for buildings with a pitched roof:

- Reinforcing roof-to-wall connections.
- Improving the strength of roof-deck attachments.
- Providing secondary water resistance for the roof.
- Replacing the roof-covering, if necessary, for any of the improvements listed above. (Section 1.)

For buildings with a flat roof, the bill specifies that an association must use a mitigation grant to install improvements that both comply with or exceed the applicable building code in effect at the time the association applied for the grant, and provide more hurricane protection than the improvements that the association previously installed. (Section 1.)

The bill has an effective date of July 1, 2025. (Section 2.)

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

While the Program is subject to annual appropriations, the bill likely has no fiscal impact on state government. The Program was funded in fiscal year 2024-2025 through a nonrecurring appropriation of $30 million from the General Revenue Fund ($27,636,000 for grants; $600,000 for inspections; and $1,764,000 for operations and administration).[1] A request for a formal agency analysis was submitted to DFS on February 14, 2025.

PRIVATE SECTOR:

The bill limits which condominium associations may participate in the Program, but provides more flexibility to condominium associations that participate in the Program.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

My Safe Florida Condominium Pilot Program

The Legislature created the My Safe Florida Condominium Pilot Program (Program) within the Department of Financial Services (DFS) in 2024.[2] The Program received a nonrecurring appropriation of $30 million from the General Revenue Fund.[3] The Program provides to condominium associations a program similar to that of the My Safe Florida Home Program for single-family, detached residential properties and townhomes.[4] Implementation of the Program is subject to annual legislative appropriations.[5]

[1] Line 2375 of the General Appropriations Act, ch. 2024-231, L.O.F.
[2] Chapter 2024-108, L.O.F.
[3] Line 2375 of the General Appropriations Act, ch. 2024-231, L.O.F. ($27,636,000 for grants; $600,000 for inspections; and $1,764,000 for operations and administration).
[4] *See* s. 215.5586, F.S.
[5] *Id.*

The Program supports eligible condominium associations by providing free inspections and grant funding for wind mitigation improvements, which may have the added benefit of lowering wind insurance premiums. The Program is limited to condominiums[6] located in the "service area," which is the area of the state within 15 miles inward of a coastline.[7]

In its first report on the Program, DFS issued the following findings:

- Tidal Basin was selected to run the Program on August 1, 2024.
- The International Association of Certified Home Inspectors was selected on November 12, 2024, as the inspection company to conduct the inspections.
- Tidal Basin launched the Program's online portal and allowed associations to begin completing applications for inspections, but not grants, on November 14, 2024.
- The online application portal opened on November 14, 2024, and closed on November 19, 2024, due to the sufficiency of applications.
- 174 requests for inspections were received; 165 requests were approved.
- The approval of grant awards depends on, and is waiting for, the completion of inspections.[8]

Condominium Associations and Unit Owners

To apply for an inspection of association or condominium property under the Program, the association must receive approval by a majority vote of the board or a majority vote of the total voting interests of the association.[9]

To apply for a grant which improves one or unit units within a condominium, the association must receive both of the following:

- Approval by a majority vote of the board, or a majority vote of the total voting interests of the association, to participate in a mitigation grant; and
- A unanimous vote of all unit owners within the structure or building that is the subject of the mitigation grant.[10]

Associations may vote to participate in the Program at an annual meeting or a unit owner meeting called for that purpose.[11] The association must provide unit owners with clear disclosure of the Program prior to taking a vote on the issue.[12] The president and treasurer of the board are required to sign the disclosure form indicating a copy of the disclosure form was provided to each unit owner.[13]

Hurricane Mitigation Inspectors

Only a licensed inspector may perform inspections of a condominium property under the Program.[14] The licensed inspector must determine the mitigation measures that are needed, the insurance premium discounts that may be

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[6] For purposes of the Program, "condominium" is currently defined as that form of ownership of real property created pursuant to the Florida Condominium Act, ch. 718, F.S., which is comprised entirely of units that may be owned by one or more persons, and in which there is, appurtenant to each unit, an undivided share in common elements. Ss. 215.55871(1)(d) and 718.103(12), F.S.

[7] "Coastline" means the line of mean low water along the portion of the coast that is in direct contact with the open sea and the line marking the seaward limit of inland waters, as determined under the Convention on Territorial Seas and the Contiguous Zone, 15 U.S.T. (Pt. 2) 1606. S. 376.031(4)

[8] Email from Morgan Husbands, Deputy Director of Policy, Department of Financial Services, RE: *My Safe Florida Condominium Pilot Activities Report* (Jan. 30, 2025).

[9] S. 215.55871(2)(a), F.S.

[10] S. 215.55871(2)(b), F.S.

[11] S. 215.55871(2)(d), F.S.

[12] *Id.*

[13] *Id.*

[14] S. 215.55871(3), F.S.

available, and identify which improvements may be taken to mitigate hurricane damage.[15] DFS must contract with wind certification entities to provide the inspections.[16] Eligible wind certification entities must, at a minimum:

- Use inspectors who are licensed or certified as:
  - A building inspector under s. 468.607, F.S.;[17]
  - A general, building, or residential contractor under s. 489.111, F.S.;[18]
  - A professional engineer under s. 471.015, F.S.;[19]
  - A professional architect under s. 481.213, F.S.;[20] or
  - A home inspector under s. 468.8314, F.S.,[21] who has completed at least three hours of hurricane mitigation training approved by the Construction Industry Licensing Board,[22] which must include hurricane mitigation techniques, compliance with the uniform mitigation verification form, and completion of a proficiency exam;
- Use inspectors who have undergone drug testing and a background screening that includes submission and processing of fingerprints; and
- Provide a quality assurance program, including a reinspection component.[23]

Hurricane Mitigation Inspections

Hurricane mitigation inspections provided to a condominium association, must, at a minimum, include:

- An inspection of the property, and a report that summarizes the results of the inspection and identifies recommended improvements the association may take to mitigate hurricane damage;
- A range of cost estimates regarding the recommended mitigation improvements; and
- Information regarding estimated insurance premium discounts, correlated to the current mitigation features and the recommended mitigation improvements identified by the inspection.[24]

An application for an inspection must contain a signed or electronically verified statement, made under penalty of perjury by a board's president, that the association has submitted only a single application for each property that the association operates or maintains.[25] An association may apply for and receive an inspection without also applying for a grant.[26]

Mitigation Grants

Grants must be used by associations to make improvements recommended by an inspection which increases the condominium property's resistance to hurricane damage.[27] An application for a grant must:

- Contain a signed or electronically verified statement made under penalty of perjury by the president of the board that the association has submitted only a single application for each property that the association operates or maintains;
- Include a notarized statement from the president that contains the name and license number of the contractor it intends to use for the mitigation project; and

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[15] S. 215.55871(3)(a), F.S.
[16] S. 215.55871(3)(b), F.S.
[17] Section 468.607, F.S., relates to certification of building code administration and inspection personnel.
[18] Section 489.111, F.S., relates to licensure by examination for certain contractors, including, but not limited to, residential contractors, building contractors, air-conditioning contractors, and swimming pool servicing contractors.
[19] Section 471.015, F.S., relates to licensure of engineers.
[20] Section 481.213, F.S., relates to licensure of architects and interior designers.
[21] Section 468.8314, F.S., relates to licensure of home inspectors.
[22] The Construction Industry Licensing Board, housed within the Department of Business and Professional Regulation, is responsible for licensing and regulating the construction industry in Florida. *See* Department of Business and Professional Regulation, *Construction Industry*, https://www2.myfloridalicense.com/construction-industry/ (last visited Mar. 19, 2025). *See also* s. 489.107, F.S.
[23] S. 215.5587(3)(b), F.S.
[24] S. 215.55871(4)(a), F.S.
[25] S. 215.55871(4)(b), F.S.
[26] S. 215.55871(4)(c), F.S.
[27] S. 215.55871(5), F.S.

- Include a notarized statement from the president which commits to DFS that the association will complete the mitigation improvements. If the grant will be used to improve units, the application must also include an acknowledged statement from each unit owner who is required to provide approval for a grant.[28]

An association may select its own contractor for the mitigation project as long as the contractor meets all qualification, certification, or licensing requirements under current law.[29] A mitigation project must be performed by a properly licensed contractor who has secured all local permits required for the project.[30] DFS must electronically verify that the contractor's state license number is accurate and up to date before approving a grant application.[31]

All grants must be matched on the basis of $1 provided by the association for two dollars provided by the state.[32] An association may receive grant funds for both roof-related and opening protection-related projects, but the total grant award may not exceed $175,000 per association.[33] The maximum grant contributions are as follows:

- For roof-related projects, $11 per square foot multiplied by the square footage of the replacement roof, not to exceed $1,000 per unit, with a maximum grant award of 50 percent of the cost of the project.
- For opening protection-related[34] projects, $750 per replacement window or door, not to exceed $1,500 per unit, with a maximum grant award of 50 percent of the cost of the project.[35]

An association awarded a grant must complete the entire mitigation project in order to receive the final grant award, and must agree to make the property available for a final inspection once the mitigation project is completed.[36] The mitigation project must be completed in a manner consistent with the intent of the Program and must meet or exceed applicable Florida Building Code requirements.[37] The association must submit a request to DFS for a final inspection, or request an extension of time, within one year after receiving grant approval; otherwise the application is deemed abandoned and the grant money reverts back to DFS.[38]

When recommended by a hurricane mitigation inspection report, grants may be used for the following improvements:

- Opening protection, including exterior doors, garage doors, windows, and skylights;
- Reinforcing roof-to-wall connections;
- Improving the strength of roof-deck attachments; and
- Secondary water barrier for roof.[39]

If improvements to protect the property which complied with the current applicable building code at the time have been previously installed, the association must use a mitigation grant to install improvements that do both of the following:

- Comply with or exceed the applicable building code in effect at the time the association applied for the grant; and
- Provide more protection than the improvements that the association previously installed.[40]

The association may not use a mitigation grant to:

- Install the same type of improvements that were previously installed; or

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[28] S. 215.55871(5)(a), F.S.
[29] S. 215.55871(5)(b), F.S.
[30] *Id.*
[31] *Id.*
[32] S. 215.55871(5)(d)1., F.S.
[33] S. 215.55871(5)(d)4., F.S.
[34] Opening protection includes exterior doors, garage doors, windows, and skylights. S. 215.55871(5)(3)1., F.S.
[35] S. 215.55871(5)(d)2.-3., F.S.
[36] S. 215.55871(5)(c), F.S.
[37] *Id.*
[38] *Id.*
[39] S. 215.55871(5)(e), F.S.
[40] S. 215.55871(5)(g)1., F.S.

- Pay a deductible for a pending insurance claim for damage that is part of the property for which grant funds are being received.[41]

Contract Management

DFS is charged with developing a process that ensures the most efficient means to collect and verify eligibility for grant applications, and may direct hurricane mitigation inspectors to collect and verify grant application information or use the internet or other electronic means to collect information and determine eligibility.[42] DFS may contract with third parties for grant management, inspection services, contractor services, information technology, educational outreach, and auditing services.[43] Such contracts are:

- Considered direct costs of the Program and are not subject to administrative cost limits.[44]
- Must be with providers that have a demonstrated record of successful business operations in areas directly related to the services to be provided and must ensure the highest accountability for use of state funds.[45]

DFS is required to implement a quality assurance and reinspection program that determines whether initial inspections and mitigation improvements are completed in a manner consistent with the intent of the Program.[46] DFS may use a valid random sampling in order to perform the quality assurance portion of the Program.[47]

Reports

By February 1 of each year, DFS must submit a report to the President of the Senate and the Speaker of the House of Representatives on the activities of the Program and the use of state funds.[48] The report must include:

- The number of inspections requested;
- The number of inspections performed;
- The number of grant applications received;
- The number of grants approved and the monetary value of each grant;
- The estimated average annual amount of insurance premium discounts each association received and the total estimated annual amount of insurance premium discounts received by all associations participating in the Program; and
- The estimated average annual amount of insurance premium discounts each unit owner received as a result of the improvements to the building or structure.[49]

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2024	CS/CS/CS/HB 1029	Lopez, V., Hunschofsky	DiCeglie	Approved by Governor. Created the My Safe Florida Condominium Pilot Program.

OTHER RESOURCES:

My Safe Florida Condominium Pilot Program

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[41] S. 215.55871(5)(g)2., F.S.
[42] S. 215.55871(5)(h), F.S.
[43] S. 215.55871(6)(a), F.S.
[44] *Id.*
[45] *Id.*
[46] S. 215.55871(6)(b), F.S.
[47] *Id.*
[48] S. 215.55871(7), F.S.
[49] *Id.*

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Housing, Agriculture & Tourism Subcommittee			Curtin	Fletcher
Budget Committee				
Commerce Committee				

A bill to be entitled

An act relating to the My Safe Florida Condominium Pilot Program; amending s. 215.55871, F.S.; revising the definition of the term "condominium"; limiting participation in the My Safe Florida Condominium Pilot Program to certain condominiums; revising the approval requirements to receive a mitigation grant; removing the amount of grant funding for certain projects; revising the improvements for which a grant may be used; providing an effective date.

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

Section 1. Paragraphs (a) through (d) of subsection (2) of section 215.55871, Florida Statutes, are redesignated as paragraphs (b) through (e), respectively, paragraph (d) of subsection (1), present paragraph (b) of subsection (2), and subsection (5) are amended, and a new paragraph (a) is added to subsection (2) of that section, to read:

215.55871 My Safe Florida Condominium Pilot Program.—There is established within the Department of Financial Services the My Safe Florida Condominium Pilot Program to be implemented pursuant to appropriations. The department shall provide fiscal accountability, contract management, and strategic leadership for the pilot program, consistent with this section. This

section does not create an entitlement for associations or unit owners or obligate the state in any way to fund the inspection or retrofitting of condominiums in the state. Implementation of this pilot program is subject to annual legislative appropriations. It is the intent of the Legislature that the My Safe Florida Condominium Pilot Program provide licensed inspectors to perform inspections for and grants to eligible associations as funding allows.

(1) DEFINITIONS.—As used in this section, the term:

(d) "Condominium" has the same meaning as in s. 718.103. For purposes of this section, the term does not include detached units on individual parcels of land.

(2) PARTICIPATION.—

(a) Participation in the pilot program is limited to condominiums that are three stories or more in height and the structure or building that is the subject of the mitigation grant must include at least one residential unit within such structure or building.

(c) ~~(b)~~ In order to apply for a grant under subsection (5) which improves one or more units within a condominium, an association must receive both of the following:

1. Approval by a majority vote of the board of administration or a majority vote of the total voting interests of the association to participate in a mitigation inspection.

2. Approval by at least 75 percent ~~A unanimous vote~~ of all

unit owners who reside within the structure or building that is the subject of the mitigation grant.

(5) MITIGATION GRANTS.—Financial grants may be used by associations to make improvements recommended in a hurricane mitigation inspection report which increase the condominium's resistance to hurricane damage.

(a) An application for a mitigation grant must:

1. Contain a signed or electronically verified statement made under penalty of perjury by the president of the board of administration that the association has submitted only a single application for each property that the association operates or maintains.

2. Include a notarized statement from the president of the board of administration containing the name and license number of each contractor the association intends to use for the mitigation project.

3. Include a notarized statement from the president of the board of administration which commits to the department that the association will complete the mitigation improvements. If the grant will be used to improve units, the application must also include an acknowledged statement from each unit owner who is required to provide approval for a grant under paragraph (2)(c) ~~(2)(b)~~.

(b) An association may select its own contractors for the mitigation project as long as each contractor meets all

qualification, certification, or licensing requirements in general law. A mitigation project must be performed by a properly licensed contractor who has secured all required local permits necessary for the project. The department must electronically verify that the contractor's state license number is accurate and up to date before approving a grant application.

(c) An association awarded a grant must complete the entire mitigation project in order to receive the final grant award and must agree to make the property available for a final inspection once the mitigation project is finished to ensure the mitigation improvements are completed in a manner consistent with the intent of the pilot program and meet or exceed the applicable Florida Building Code requirements. Construction must be completed and the association must submit a request to the department for a final inspection, or request an extension of time, within 1 year after receiving grant approval. If the association fails to comply with this paragraph, the application is deemed abandoned and the grant money reverts back to the department.

(d) Grant projects shall be funded as follows:

1. All grants must be matched on the basis of $1 provided by the association for $2 provided by the state toward the actual cost of the project.

~~2. For roof-related projects, the grant contribution is $11 per square foot multiplied by the square footage of the~~

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

~~replacement roof, not to exceed $1,000 per unit, with a maximum grant award of 50 percent of the cost of the project.~~

~~3. For opening protection-related projects, the grant contribution is a maximum of $750 per replacement window or door, not to exceed $1,500 per unit, with a maximum grant award of 50 percent of the cost of the project.~~

2.~~4.~~ An association may receive grant funds for both roof-related and opening protection-related projects, but the maximum total grant award may not exceed $175,000 per association.

3.~~5.~~ The department may not accept grant applications or maintain a waiting list for grants after the cumulative value of the grants awarded have fully obligated the appropriation, unless otherwise expressly authorized by the Legislature.

(e) When recommended by a hurricane mitigation inspection report, grants for eligible associations may be used for the following improvements:

1. Opening protection, including exterior doors, garage doors, windows, and skylights.

2. Roof-related improvements, as follows:

a. For buildings with a pitched roof:

(I)~~2.~~ Reinforcing roof-to-wall connections.

(II)~~3.~~ Improving the strength of roof-deck attachments.

(III)~~4.~~ Providing secondary water resistance for the roof.

(IV) Replacing the roof covering, if necessary, for any of the improvements listed in sub-sub-subparagraphs (I)-(III).

b. For buildings with a flat roof,

~~(f) Grants may be used for a previously inspected existing structure on the property.~~

~~(g)1.~~ if improvements to protect the property that ~~which~~ complied with the current applicable building code at the time have been previously installed, the association must use a mitigation grant to install improvements that do both of the following:

(I)~~a.~~ Comply with or exceed the applicable building code in effect at the time the association applied for the grant.

(II)~~b.~~ Provide more hurricane protection than the improvements that the association previously installed.

(f)~~2.~~ The association may not use a mitigation grant to:

1.~~a.~~ Install the same type of improvements that were previously installed; or

2.~~b.~~ Pay a deductible for a pending insurance claim for damage that is part of the property for which grant funds are being received.

(g)~~(h)~~ The department shall develop a process that ensures the most efficient means to collect and verify inspection and grant applications to determine eligibility. The department may direct hurricane mitigation inspectors to collect and verify inspection and grant application information or use the Internet or other electronic means to collect information and determine eligibility.

Section 2. This act shall take effect July 1, 2025.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

HOUSING, AGRICULTURE, AND TOURISM SUBCOMMITTEE

HB 393 by Reps. Lopez, V. and Hunschofsky
Relating to My Safe Florida Condominium Pilot Program

AMENDMENT SUMMARY
March 25, 2025

Amendment 1 by Rep. Lopez, V. (Strike-All): The amendment:

- Prohibits associations that have failed to comply with the milestone inspection or SIRS requirements from participating in the My Safe Florida Condominium Pilot Program;
- Makes the replacement of roof coverings eligible for funding; and
- Requires all improvements to be identified in the final hurricane mitigation inspection in order to receive grant funds.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	____	(Y/N)
ADOPTED AS AMENDED	____	(Y/N)
ADOPTED W/O OBJECTION	____	(Y/N)
FAILED TO ADOPT	____	(Y/N)
WITHDRAWN	____	(Y/N)
OTHER		

Committee/Subcommittee hearing bill: Housing, Agriculture & Tourism Subcommittee
Representative Lopez, V. offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Paragraph (d) of subsection (1), paragraphs (a) and (b) of subsection (2), and paragraphs (d) through (h) of subsection (5) of section 215.55871, Florida Statutes, are amended to read:

215.55871 My Safe Florida Condominium Pilot Program.—There is established within the Department of Financial Services the My Safe Florida Condominium Pilot Program to be implemented pursuant to appropriations. The department shall provide fiscal accountability, contract management, and strategic leadership for the pilot program, consistent with this section. This

section does not create an entitlement for associations or unit owners or obligate the state in any way to fund the inspection or retrofitting of condominiums in the state. Implementation of this pilot program is subject to annual legislative appropriations. It is the intent of the Legislature that the My Safe Florida Condominium Pilot Program provide licensed inspectors to perform inspections for and grants to eligible associations as funding allows.

(1) DEFINITIONS.—As used in this section, the term:

(d) "Condominium" has the same meaning as in s. 718.103. For purposes of this section, the term does not include detached units on individual parcels of land.

(2) PARTICIPATION.—

(a) In order to apply for an inspection under subsection (4) or a grant under subsection (5) for association property or condominium property, an association must receive approval by a majority vote of the board of administration or a majority vote of the total voting interests of the association to participate in the pilot program. A condominium association may not apply for an inspection under subsection (4) or a grant under subsection (5) for association property or condominium property unless the windows of the association property or condominium property are established as common elements in the declaration and the association has complied with the inspection requirements in ss. 553.899 and 718.112(2)(g) and (h).

(b) In order to apply for a grant under subsection (5) which improves one or more units within a condominium, an association must receive both of the following:

1. Approval by a majority vote of the board of administration or a majority vote of the total voting interests of the association to participate in a mitigation inspection.

2. Approval by at least 75 percent ~~A unanimous vote~~ of all unit owners who reside within the structure or building that is the subject of the mitigation grant.

(5) MITIGATION GRANTS.—Financial grants may be used by associations to make improvements recommended in a hurricane mitigation inspection report which increase the condominium's resistance to hurricane damage.

(d) Grant projects shall be funded as follows:

1. All grants must be matched on the basis of $1 provided by the association for $2 provided by the state toward the actual cost of the project.

~~2. For roof-related projects, the grant contribution is $11 per square foot multiplied by the square footage of the replacement roof, not to exceed $1,000 per unit, with a maximum grant award of 50 percent of the cost of the project.~~

~~3. For opening protection-related projects, the grant contribution is a maximum of $750 per replacement window or door, not to exceed $1,500 per unit, with a maximum grant award of 50 percent of the cost of the project.~~

2.~~4.~~ An association may receive grant funds for both roof-related and opening protection-related projects, but the maximum total grant award may not exceed $175,000 per association.

3.~~5.~~ The department may not accept grant applications or maintain a waiting list for grants after the cumulative value of the grants awarded have fully obligated the appropriation, unless otherwise expressly authorized by the Legislature.

(e) When recommended by a hurricane mitigation inspection report, grants for eligible associations may be used for the following improvements:

1. Opening protection improvements, including all of the following:

a. Exterior doors.~~,~~

b. Garage doors.~~,~~

c. Windows.~~, and~~

d. Skylights.

2. Roof improvements, including all of the following:

a. Reinforcing roof-to-wall connections.

b.~~3.~~ Improving the strength of roof-deck attachments.

c.~~4.~~ Installing secondary water resistance for the roof.

d. Replacing the roof covering.

(f) Improvements must be identified in the final hurricane mitigation inspection in order for an association to receive grant funds ~~Grants may be used for a previously inspected existing structure on the property~~.

(g)~~1.~~ If improvements to protect the property that ~~which~~ complied with the current applicable building code at the time have been previously installed, the association must use a mitigation grant to install improvements that do both of the following:

1.~~a.~~ Comply with or exceed the applicable building code in effect at the time the association applied for the grant.

2.~~b.~~ Provide more hurricane protection than the improvements that the association previously installed.

(h)~~2.~~ The association may not use a mitigation grant to:

1.~~a.~~ Install the same type of improvements that were previously installed; or

2.~~b.~~ Pay a deductible for a pending insurance claim for damage that is part of the property for which grant funds are being received.

(i)~~(h)~~ The department shall develop a process that ensures the most efficient means to collect and verify inspection and grant applications to determine eligibility. The department may direct hurricane mitigation inspectors to collect and verify inspection and grant application information or use the Internet or other electronic means to collect information and determine eligibility.

Section 2. This act shall take effect upon becoming a law.

T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to the My Safe Florida Condominium Pilot Program; amending s. 215.55871, F.S.; revising the definition of the term "condominium"; prohibiting a condominium association from applying for a hurricane mitigation inspection or a mitigation grant under the My Safe Florida Condominium Pilot Program unless certain association property or condominium property is established as a common element and the association has complied with specified requirements; revising the approval requirements to apply for a mitigation grant; removing the amount of grant funding for certain projects; revising the improvements for which a grant may be used; requiring improvements to be identified in the final hurricane mitigation inspection in order for an association to receive grant funding; providing an effective date.

CS/HB 411

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: CS/HB 411	**COMPANION BILL:** SB 488 (DiCeglie)
TITLE: Affordable Property Ad Valorem Tax Exemption for Leased Land	**LINKED BILLS:** None
SPONSOR(S): Chaney	**RELATED BILLS:** None

Committee References

Ways & Means (17 Y, 0 N, As CS) ➤ Housing, Agriculture & Tourism ➤ Commerce

SUMMARY

Effect of the Bill:

The bill expands the existing ad valorem (property tax) exemption for nonprofit charities found in s. 196.1978(1)(b), F.S. The exemption will now apply to nonprofit charities that lease land used for affordable housing from a housing finance authority, and then sublease the property for 99 years for the purpose of providing affordable housing, rather than requiring the nonprofit to own the property directly.

The bill provides emergency rulemaking authority to the Department of Revenue to implement the provisions of the bill.

The bill is effective January 1, 2026, and first applies to the 2026 tax roll.

Fiscal or Economic Impact:

The Revenue Estimating Conference estimated that the bill will have an insignificant negative impact on local government revenue.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

Unless otherwise exempted, all property in Florida is subject to ad valorem taxes imposed by local governments in accordance with the Florida Constitution and Florida Statutes. The bill modifies an exemption for charitable use of property for affordable housing (the "nonprofit land lease exemption") in s. 196.1978(1)(b), F.S., which provides an exemption for nonprofit corporations which:

- Are 501(C)(3) charities,
- Own land that they lease to natural persons or families for 99 years to provide affordable housing to persons meeting income limitations set in statute for extremely-low income, very-low-income, low income, or moderate-income persons.

The exemption will now also apply to a nonprofit, 501(c)(3) charity that **leases** land used for affordable housing **from** a housing finance authority, and then subleases such property for 99 years for the purpose of providing affordable housing to persons within the restricted income limitations. (Section 1) Allowing the exemption for a charity that does not own the property outright, but instead leases it from a housing finance authority, may expand the pool of charities that can use this exemption.

The bill provides emergency rulemaking authority to the Department of Revenue to implement the provisions of the bill. (Section 2)

The bill is effective January 1, 2026 (Section 4), and first applies to the 2026 tax roll (Section 3).

RULEMAKING:

The bill provides the Department of Revenue with emergency rulemaking authority to implement the provisions of the bill. (Section 2)

Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The Revenue Estimating Conference has estimated that this bill will have no impact on state revenues.

LOCAL GOVERNMENT:

The Revenue Estimating Conference has estimated that this bill will have an insignificant negative impact on local government revenue.[1]

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Ad Valorem Taxation

The Florida Constitution reserves to local governments the authority to levy ad valorem taxes on real and tangible personal property.[2] Ad valorem taxes are levied annually by counties, cities, school districts, and some special districts based on the value of real and tangible personal property as of January 1 of each year.[3] The Florida Constitution requires that all property be assessed at just value for ad valorem tax purposes,[4] and provides for specified assessment limitations, property classifications, and exemptions.[5] After the property appraiser considers any assessment limitation or use classification affecting the just value of a parcel of real property, an assessed value is produced. The assessed value is then reduced by any exemptions to produce the taxable value.[6]

Ad Valorem Exemption for Literary, Scientific, Religious, or Charitable Organizations

The Florida Constitution allows the Legislature to exempt from ad valorem taxation portions of property that are used predominantly for educational, literary, scientific, religious, or charitable purposes.[7] The Legislature has implemented these exemptions and set forth criteria to determine whether property is entitled to an exemption.[8]

To determine whether a property's use qualifies for an education, literary, scientific, religious, or charitable exemption, the property appraiser must consider the nature and extent of the qualifying activity compared to other activities or other uses of the property.[9]

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[1] Revenue Estimating Conference workpapers for HB 411 (2025), adopted February 14, 2025, available at https://edr.state.fl.us/Content/conferences/revenueimpact/archives/2025/_pdf/page27.pdf (last accessed March 14, 2025).
[2] Art. VII, ss. 1(a), 9(a), Fla. Const.
[3] S. 192.001(12), F.S., defines "real property" as land, buildings, fixtures, and all other improvements to land. The terms "land," "real estate," "realty," and "real property" may be used interchangeably. S. 192.001(11)(d), F.S., defines "tangible personal property" as all goods, chattels, and other articles of value (but does not include the vehicular items enumerated in Art. VII, s. 1(b) of the Florida Constitution and elsewhere defined) capable of manual possession and whose chief value is intrinsic to the article itself.
[4] Art. VII, s. 4, Fla. Const.
[5] Art. VII, ss. 3, 4, and 6, Fla. Const.
[6] S. 196.031, F.S.
[7] Art. VII, s. 3(a), Fla. Const.
[8] S. 196.196, F.S.
[9] S. 196.196(1), F.S.

Incidental use of property for an exempt purpose does not qualify the property for an exemption nor does the incidental use of the property for a non-exempt purpose impair an exemption.[10]

Property claimed as exempt which is used for profitmaking purposes is not exempt and is subject to ad valorem taxation; however, the Legislature has allowed certain property to remain exempt even when used for profitmaking purposes when the use of the property does not require a business or occupational license and the revenue derived from the profitmaking activity is used wholly for exempt purposes, and with respect to certain affordable housing provisions.[11]

Nonprofit Land Lease Exemption

In 2023, the Legislature amended s. 196.1978(1), F.S., to create an exemption in new paragraph (1)(b) for land owned entirely by a nonprofit corporation that is a 501(c)(3) charity which is leased for at least 99 years for the purpose of, and is predominantly used for, providing affordable housing for extremely-low-, very-low-, low-, or moderate-income persons or families.[12]

In order to receive this exemption, the improvements on the land being used for affordable housing purposes must encompass more than half the square footage of all improvements on the land.[13] This exemption first applied to the 2024 tax roll and is repealed on December 31, 2059.[14]

Income Limitations for Affordable Housing Purposes

Florida statutes lay out separate income thresholds for different levels of affordable housing.[15] These thresholds are all based on the "adjusted gross income" of a household, which includes all wages, assets, contributions, and gifts earned by or made to a household, adjusted for family size, less deductions allowable under the definition of "adjusted gross income"[16] for federal tax purposes.[17]
The most common categories used for affordable housing are:

- Extremely-low-income:[18] total annual household income does not exceed 30 percent of the median annual adjusted gross income for households within the state.
- Very-low-income:[19] total annual household income does not exceed 50 percent of the median annual adjusted gross income for households within the greatest of: the state, the metropolitan area where the household resides, or, if not within a metropolitan area, then within the county in which the person or family resides.
- Low income:[20] total annual household income does not exceed 80 percent of the median annual adjusted gross income for households within the greatest of: the state, the metropolitan area where the household resides, or, if not within a metropolitan area, then within the county in which the person or family resides.

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[10] S. 196.196(2), F.S. *See also Underhill v. Edwards*, 400 So.2d 129, 132 (Fla. 5th DCA 1981) (The district court found that trustees of a private not-for profit hospital were not entitled to an exemption on the new wing's first floor, which was used for a private purpose and not for a charitable purpose or other exempt purpose, despite the fact that the portion of the hospital used for a non-exempt purpose represented only a very small percentage of the otherwise exempt property) and *Central Baptist Church of Miami, Florida Incorporated v. Dade County, Florida, et. al.,* 216 So.2d 4, 6 (Fla. 1968) (Florida Supreme Court found that "limited part time rental of a portion of the church lot for commercial parking on weekday business hours is reasonably incidental to the primary use of the church property as a whole for church or religious purposes and is not a sufficiently divergent commercial use that eliminates the exemption as to the commercial parking lot portion of the property.")
[11] *See* s. 196.196(4), F.S. and s. 196.1978(3), F.S., e.g.
[12] Section 8 of chapter 2023-17, L.O.F.
[13] Section 196.1978(1)(b), F.S.
[14] *Id.*
[15] Section 420.0004(3), F.S.
[16] 26 U.S.C. s. 62
[17] Section 420.004(2), F.S.
[18] Section 420.004(9), F.S.
[19] Section 420.004(17), F.S.
[20] Section 420.004(11), F.S.

- Moderate income:[21] total annual household income does not exceed 120 percent of the median annual adjusted gross income for households within the greatest of: the state, the metropolitan area where the household resides, or, if not within a metropolitan area, then within the county in which the person or family resides.

Housing Finance Authorities

The Florida Housing Finance Authority Act (Act)[22] was enacted in 1978 in response to shortages both of affordable housing and capital for investment in such housing.[23] The Act would encourage "investment by private enterprise and (stimulate) construction and rehabilitation of housing through the use of public financing and…low cost loans…"[24] in part by authorizing local governments to issue obligations the interest on which would be exempt from federal income taxation.[25] Counties are authorized to create by ordinance a "Housing Finance Authority" (HFA) to carry out the powers under the Act.[26]

Currently, there are 24 HFAs[27] registered with the Special District Accountability Program[28] in the Department of Commerce. Each HFA is composed of a board of at least 5 members appointed by the governing body of the county to serve 4-year terms.[29] A majority of the members must be knowledgeable in the field of labor, finance, or commerce.[30] In addition to the usual authority of a public body corporate and politic,[31] each HFA is authorized to:

- Acquire and own real and personal property under specific conditions;[32]
- Purchase, commit to purchase, make, or otherwise transact in mortgage loans and accompanying promissory notes for the construction, purchase, reconstruction, or rehabilitation of qualified property; however, sales proceeds must be reinvested in mortgage loans;[33]
- Issue bonds to raise capital for qualified housing and development;[34]
- Lend funds to lending institutions under terms requiring the proceeds be used for making new mortgages for housing developments qualifying under the statute as affordable housing;[35]
- Make loans directly to eligible persons who otherwise cannot borrow from conventional lending services, such loans to be secured by mortgages on qualified property;[36]
- Loan funds to not for profit corporations to develop affordable housing;[37] and
- Own, maintain, operate, control, and capitalize a savings and loan association with the limited purpose to provide low cost loans and related services for eligible persons to obtain affordable housing.[38]

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[21] Section 420.004(12), F.S.
[22] Ch. 78-89, s. 1, Laws of Fla., codified at ch. 159, Part IV, F.S.
[23] Section 159.602(1), F.S.
[24] Section 159.602(2), F.S.
[25] Section 159.602(4), F.S.
[26] Section 159.604(1), F.S.
[27] The following counties have active HFAs: Alachua, Brevard, Broward, Collier, Duval (Jacksonville), Escambia, Clay, Hillsborough, Lee, Leon, Manatee, Marion, Miami-Dade, Nassau, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, St. Johns, St. Lucie, Santa Rosa, Volusia. Florida Commerce, *Customized List of Special Districts,* Available at https://specialdistrictreports.floridajobs.org/OfficialList/CustomList; running a report for "Housing Finance" (last visited March 14, 2025).
[28] Information about the accountability program is available at https://www.floridajobs.org/community-planning-and-development/special-districts/special-district-accountability-program (last visited March 14, 2025).
[29] Section 159.605(1), F.S.
[30] *Id.*
[31] Including the power to sue and be sued, to enter into contracts and execute instruments necessary to the exercise of its powers, to receive and deposit funds. See s. 159.608, F.S.
[32] Section 159.608(2), F.S., which requires that "no less than 50 percent of the units owned by a housing finance authority shall benefit very-low-income families or low-income families."
[33] Section 159.608(3), F.S.
[34] Section 159.608(4), F.S.
[35] Section 159.608(5), F.S.
[36] Section 159.608(6), F.S.
[37] Section 159.608(10)(a), F.S.
[38] Section 159.608(9), F.S.

It appears at least one HFA in Florida currently supports affordable housing through long term leases to nonprofit entities that sublease affordable housing projects to low income families.[39]

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2023	CS/SB 102	Busatta	Calatayud	Became law July 1, 2023; relevant provision was effective January 1, 2024.

OTHER RESOURCES:

Florida's Affordable Housing Property Tax Exemptions (Florida Housing Finance Corporation Publication)
Affordable Housing Property Exemption – Nonprofit Land Lease (Department of Revenue Publication)

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Ways & Means Committee	17 Y, 0 N, As CS		Aldridge	Berg
THE CHANGES ADOPTED BY THE COMMITTEE:	• Added emergency rulemaking authority for the Department of Revenue, • Clarified that changes made by the bill apply to the 2026 tax roll, and • Changed the effective date of the bill from July 1, 2025, to January 1, 2026.			
Housing, Agriculture & Tourism Subcommittee			Curtin	Rodriguez
Commerce Committee				

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.

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[39] See, e.g. Staff Report re: Affordable Housing development by Habitat for Humanity of Pinellas County from February 25, 2025, available at: https://pinellas.legistar.com/ViewReport.ashx?M=R&N=Text&GID=532&ID=6077086&GUID=5FCC7875-5E0A-4E71-AAFD-AB95B7EE565E&Title=Staff+Report (last visited March 14, 2025) and Meeting Minutes of Housing Finance Authority of Pinellas County from June 1, 2022, providing for, *inter alia*, an amendment to a ground lease from the HFA to Habitat for Humanity, available at https://pinellas.gov/wp-content/uploads/2022/12/6.1.22-HFA-Agenda-Minutes.pdf (last visited March 14, 2025).

A bill to be entitled

An act relating to affordable property ad valorem tax exemption for leased land; amending s. 196.1978, F.S.; authorizing certain leased land to qualify for a specified ad valorem tax exemption; authorizing the Department of Revenue to adopt emergency rules; providing applicability; providing an effective date.

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

Section 1. Paragraph (b) of subsection (1) of section 196.1978, Florida Statutes, is amended to read:

196.1978 Affordable housing property exemption.—

(1)

(b) Land that is owned entirely , or is leased from a Housing Finance Authority pursuant to part IV of chapter 159, by a nonprofit entity that is a corporation not for profit, qualified as charitable under s. 501(c)(3) of the Internal Revenue Code and in compliance with Rev. Proc. 96-32, 1996-1 C.B. 717, and is leased for a minimum of 99 years for the purpose of, and is predominantly used for, providing housing to natural persons or families meeting the extremely-low-income, very-low-income, low-income, or moderate-income limits specified in s. 420.0004 is exempt from ad valorem taxation. For purposes of this paragraph, land is predominantly used for qualifying

purposes if the square footage of the improvements on the land used to provide qualifying housing is greater than 50 percent of the square footage of all improvements on the land. This paragraph first applies to the 2024 tax roll and is repealed December 31, 2059.

Section 2. The Department of Revenue may, and all conditions are deemed met to, adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of implementing s. 196.1978(1)(b), Florida Statutes, as amended by this act. Notwithstanding any other law, emergency rules adopted pursuant to this section are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

Section 3. The amendment to s. 196.1978, Florida Statutes, made by this act first applies to the 2026 tax roll.

Section 4. This act shall take effect January 1, 2026.

HB 701

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: HB 701	**COMPANION BILL:** SB 1714 (Burton)
TITLE: Local Housing Assistance Plans	**LINKED BILLS:** None
SPONSOR(S): Stark	**RELATED BILLS:** None

Committee References

Housing, Agriculture & Tourism ➤ Intergovernmental Affairs ➤ Commerce

SUMMARY

Effect of the Bill:

The bill revises the State Housing Incentives Partnership Program (SHIP) to:

- Include on the list of persons with special housing needs persons who own a mobile home.
- Require local housing authorities to provide lot rental assistance to persons who own mobile homes.
- Prohibit distinguishing between types of housing when awarding SHIP funds.

Fiscal or Economic Impact:

The bill may have a negative fiscal impact on the Local Government Housing Trust Fund.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill includes on the list of persons with special housing needs under the State Housing Initiatives Partnership Program (SHIP) persons who own mobile homes placed in mobile home parks. (Section 1).

The bill also allows local housing assistance plans to provide lot rental assistance for persons who own mobile homes placed in mobile home parks. The bill requires each local government participating in the SHIP program to include in its local housing assistance plan funds for lot rental assistance. (Section 1).

The bill requires that for the funds from the local housing distribution reserved for home ownership for eligible persons, such funds for persons who own mobile homes placed in mobile home parks must be used for lot rental assistance. The bill also includes that funds reserved for construction, rehabilitation, or emergency repair are available for such mobile homes. (Section 1).

The bill eliminates the prohibition on more than 20 percent of the funds being distributed for manufactured housing and prohibits participating local governments from discriminating based on type of housing when awarding SHIP funds. (Section 1).

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill may have a negative fiscal impact on the Local Government Housing Trust Fund. A request for a formal agency analysis was submitted to the Florida Housing Finance Corporation on February 27, 2025.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

State Housing Initiatives Partnership Program (SHIP)

SHIP was created in 1992[1] to provide funds to local governments as an incentive to create partnerships that produce and preserve affordable homeownership and multifamily housing. SHIP provides funds to all 67 counties and 55 community development block grant[2] entitlement cities on a population-based formula to finance and preserve affordable housing based on locally adopted housing plans.[3]

SHIP is administered by the Florida Housing Finance Corporation (FHFC)[4] and was designed to serve very low, low, and moderate-income families. "Very-low income persons" means one or more persons or a family, not including students, whose total annual adjusted gross household income does not exceed 50 percent of the median annual adjusted gross income for households within the state, or 50 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater. For "low-income persons," the statutory threshold is 80 percent, and for "moderate-income persons," it is 120 percent.[5]

SHIP funds may be used to pay for emergency repairs, new construction, rehabilitation, down payment and closing cost assistance, impact fees, construction and gap financing, mortgage buy-downs, acquisition of property for affordable housing, matching dollars for federal housing grants and programs, and homeownership counseling.[6]

Funds are expended per each local government's adopted Local Housing Assistance Plan (LHAP), which details the housing strategies it will use.[7] Local governments submit their LHAPs to FHFC for review to ensure they meet the broad statutory guidelines and the requirements of the program rules. FHFC must approve an LHAP before a local government may receive SHIP funding.[8]

A local government's use of SHIP funds is subject to certain restrictions (excluding amounts set aside for administrative costs):

- Not more than 20 percent of SHIP funds may be used for manufactured housing.[9]
- At least 75 percent of SHIP funds must be reserved for construction, rehabilitation, or emergency repair of affordable, eligible housing.[10]
- Not more than 25 percent of SHIP funds may be reserved for allowed rental housing.[11]

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[1] Ch. 92-317, Laws of Fla.
[2] The community development block grant program is a federal program created in 1974 that provides funding for housing and community development activities. *Community Development Block Grant Program*, https://www.hud.gov/program_offices/comm_planning/cdbg (last visited Mar. 21, 2025).
[3] *See* ss. 420.907-420.9089, F.S.; *Annual Report 2023*, Florida Housing Finance Corporation (June 28, 2024), https://issuu.com/fhfc/docs/2023_annual_report (last visited Mar. 21, 2025).
[4] The 1997 Legislature created the Florida Housing Finance Corporation (FHFC) as a public-private entity to assist in providing a range of affordable housing opportunities for Floridians. Ch. 97-167, Laws of Fla.
[5] S. 420.9071, F.S.
[6] State Housing Initiatives Partnership Program (SHIP), https://www.floridahousing.org/programs/special-programs/ship---state-housing-initiatives-partnership-program (last visited Mar. 21, 2025).
[7] Sections 420.9075(1)(a), F.S. and 420.9075(3), F.S., outline a list of strategies LHAPs are encouraged to employ, such as helping those affected by mobile home park closures, encouraging innovative housing design to reduce long-term housing costs, preserving assisted housing, and reducing homelessness.
[8] Counties and eligible municipalities participating in SHIP receive funding from "local housing distributions," which are the proceeds of the taxes deposited into the Local Government Housing Trust Fund. S. 420.9071(17), F.S.
[9] S. 420.9075(5)(e), F.S.
[10] S. 420.9075(5)(c), F.S.
[11] S. 420.9075(5)(b), F.S.

- At least 65 percent of SHIP funds must be reserved for home ownership for eligible persons.[12]
- At least 20 percent of SHIP funds must serve persons with special needs.[13]
- At least 30 percent of SHIP funds must be used for awards to very-low-income persons or eligible sponsors[14] serving very-low-income persons, and another 30 percent must be used for awards for low-income persons or eligible sponsors serving low-income persons.[15]

Local governments may not use SHIP funds to provide ongoing rent subsidies, except for:
- Security and utility deposit assistance.
- Eviction prevention not to exceed six months' rent.
- A rent subsidy program for very-low income households with at least one adult who meets either the statutory definition of a person with special needs or homeless. The period of rental assistance may not exceed 12 months.[16]

In the state fiscal year 2020-2021,[17] SHIP expended or encumbered more than $27 million for homeownership activities, assisting 933 homeownership units.[18]

Mobile Homes

Florida law defines a mobile home as "a residential structure, transportable in one or more sections, which is 8 body feet or more in width, over 35 body feet in length with the hitch, built on an integral chassis, designed to be used as a dwelling when connected to the required utilities, and not originally sold as a recreational vehicle, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein."[19] Mobile homes are designed to be used as permanent dwelling.

A mobile home park is land in which lots or spaces are offered for rent or lease for the placement of mobile homes in which the primary use of the park is residential.[20] Mobile home parks have historically served as an affordable housing option for low-and-moderate-income residents. However, increasing redevelopment pressures and rising housing costs have put many mobile home owners at risk of permanent displacement.[21]

[12] "Eligible person" or "eligible household" means one or more natural persons or a family determined by the county or eligible municipality to be of very low income, low income, or moderate income based upon the annual gross income of the household. S. 420.9075(5)(a), F.S.
[13] S. 420.9075(5)(d), F.S.
[14] "Eligible sponsor" means a person or a private or public for-profit or not-for-profit entity that applies for an award under the local housing assistance plan for the purpose of providing eligible housing for eligible persons. S. 420.9071(12), F.S.
[15] S. 420.9075(5)(g)2., F.S.
[16] S. 420.9072(7)(b), F.S.
[17] Local governments have three years to expend funds. 2020-2021 is the most recent closed out fiscal year.
[18] *Annual Report 2023*, *supra* note 3.
[19] S. 723.003(8), F.S.
[20] S. 723.003(12), F.S.
[21] Since 2011, at least 183 Florida mobile home parks have closed, according to self-reported and likely incomplete data from the Florida Mobile Home Relocation Corporation and the Department of Business and Professional Regulation. Clara-Sophia Daly, *New development will rise to dizzying heights – and wipe out their trailer park*, Miami Herald (Oct. 8, 2023) https://www.miamiherald.com/news/business/real-estate-news/article278731494.html (last visited Mar. 21, 2025).

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2024	CS/CS/SB 1456	Mooney	Rodriguez	The bill became law on July 1, 2024.
2024	CS/CS/CS/HB 613	Stark	Burton	The bill became law on July 1, 2024.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Housing, Agriculture & Tourism Subcommittee			Curtin	Garcia
Intergovernmental Affairs Subcommittee				
Commerce Committee				

A bill to be entitled

An act relating to local housing assistance plans; amending s. 420.9075, F.S.; revising the list of persons with special housing needs for purposes of a certain program to include persons who own mobile homes placed in mobile home parks; including lot rental assistance in the strategies for the provision of affordable housing for which a local housing assistance plan may allocate funds; requiring each county and eligible municipality to include in its local housing assistance plan the provision of funds to certain persons for a specified purpose; requiring that certain funds reserved for home ownership be used to provide lot rental assistance to certain eligible persons; authorizing counties and eligible municipalities to use certain funds for the construction, rehabilitation, or emergency repair of certain mobile homes; prohibiting a county or an eligible municipality from distinguishing or discriminating between types of housing when awarding certain funds; providing an effective date.

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

Section 1. Subsection (1) and paragraphs (a), (c), and (e)

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

of subsection (5) of section 420.9075, Florida Statutes, are amended, and paragraph (h) is added to subsection (3) of that section, to read:

420.9075 Local housing assistance plans; partnerships.—

(1)(a) Each county or eligible municipality participating in the State Housing Initiatives Partnership Program shall develop and implement a local housing assistance plan created to make affordable residential units available to persons of very low income, low income, or moderate income and to persons who have special housing needs, including, but not limited to, homeless people, the elderly, migrant farmworkers, ~~and~~ persons with disabilities, and persons who own mobile homes placed in mobile home parks as defined in s. 723.003. Counties or eligible municipalities may include strategies to assist persons and households having annual incomes of not more than 140 percent of area median income. The plans are intended to increase the availability of affordable residential units by combining local resources and cost-saving measures into a local housing partnership and using private and public funds to reduce the cost of housing.

(b) Local housing assistance plans may allocate funds to:

1. Implement local housing assistance strategies for the provision of affordable housing, including lot rental assistance for persons who own mobile homes placed in mobile home parks as defined in s. 723.003.

2. Supplement funds available to the corporation to provide enhanced funding of state housing programs within the county or the eligible municipality.

3. Provide the local matching share of federal affordable housing grants or programs.

4. Fund emergency repairs, including, but not limited to, repairs performed by existing service providers under weatherization assistance programs under ss. 409.509-409.5093.

5. Further the housing element of the local government comprehensive plan adopted pursuant to s. 163.3184, specific to affordable housing.

(3)

(h) Each county and each eligible municipality shall include in its local housing assistance plan the provision of funds for lot rental assistance to persons who own mobile homes placed in mobile home parks as defined in s. 723.003.

(5) The following criteria apply to awards made to eligible sponsors or eligible persons for the purpose of providing eligible housing:

(a) At least 65 percent of the funds made available in each county and eligible municipality from the local housing distribution must be reserved for home ownership for eligible persons. For eligible persons who own mobile homes placed in mobile home parks as defined in s. 723.003, such funds must be used to provide lot rental assistance.

(c) At least 75 percent of the funds made available in each county and eligible municipality from the local housing distribution must be reserved for construction, rehabilitation, or emergency repair of affordable, eligible housing, including, but not limited to, mobile homes placed in mobile home parks as defined in s. 723.003.

(e) A county or an eligible municipality may not distinguish or discriminate between types of housing when awarding funds from the local housing distribution under this section ~~Not more than 20 percent of the funds made available in each county and eligible municipality from the local housing distribution may be used for manufactured housing~~.

Section 2. This act shall take effect July 1, 2025.

HOUSING, AGRICULTURE, AND TOURISM SUBCOMMITTEE

HB 701 by Reps. Stark and Berfield
Relating to Local Housing Assistance Plans

AMENDMENT SUMMARY
March 25, 2025

Amendment 1 by Rep. Stark (Strike-All): The amendment:

- Removes from the list of persons with special housing needs persons who own a mobile home;
- Removes the prohibition on distinguishing between types of housing when awarding State Housing Incentives Partnership Program (SHIP) funds; and
- Provides an exception to the prohibition on utilizing SHIP funds for rent subsidies.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	___ (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

Committee/Subcommittee hearing bill: Housing, Agriculture & Tourism Subcommittee

Representative Stark offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subparagraph 3. of paragraph (7)(b) of section 420.9072, Florida Statutes, is amended to read:

3. Lot rental assistance to mobile homes as defined in s. 723.003, not to exceed 6 months' rent.

4.~~3.~~ A rent subsidy program for very-low-income households with at least one adult who is a person with special needs as defined in s. 420.0004 or homeless as defined in s. 420.621. The period of rental assistance may not exceed 12 months for any eligible household.

Section 2. Paragraphs (c) and (d) of subsection (3) of section 420.9075, Florida Statutes, are amended, paragraphs (d) through (g) are redesignated as paragraphs (e) through (h), respectively, new paragraph (i) is added to that subsection, and paragraph (a) of subsection (5) is amended to read:

420.9075 Local housing assistance plans; partnerships.—

(3)

(c) Each county and each eligible municipality is encouraged to develop a strategy within its local housing assistance plan that addresses the needs of persons who are deprived of affordable housing due to the ~~closure of a mobile home park or the~~ conversion of affordable rental units to condominiums.

(d) Each county and each eligible municipality shall develop a strategy within its local housing assistance plan that addresses the needs of persons who are deprived of affordable housing due to the closure of a mobile home park.

(e)~~(d)~~ Each county and each eligible municipality shall describe initiatives in the local housing assistance plan to encourage or require innovative design, green building principles, storm-resistant construction, or other elements that reduce long-term costs relating to maintenance, utilities, or insurance.

(f)~~(e)~~ Each county and each eligible municipality is encouraged to develop a strategy within its local housing

assistance plan which provides program funds for the preservation of assisted housing.

(g) ~~(f)~~ Each county and each eligible municipality is encouraged to develop a strategy within its local housing assistance plan which provides program funds for reducing homelessness.

(h) ~~(g)~~ Local governments may create regional partnerships across jurisdictional boundaries through the pooling of appropriated funds to address homeless housing needs identified in local housing assistance plans.

(i) Each county and each eligible municipality shall include in its local housing assistance plan a strategy for providing program funds to mobile home owners as defined in s. 723.003, which must include lot rental assistance.

(5) The following criteria apply to awards made to eligible sponsors or eligible persons for the purpose of providing eligible housing:

(a) At least 65 percent of the funds made available in each county and eligible municipality from the local housing distribution must be reserved for home ownership for eligible persons. For purposes of this paragraph, lot rental assistance for eligible mobile home owners as defined in s. 723.003 is an approved home ownership activity.

(b) Up to 25 percent of the funds made available in each county and eligible municipality from the local housing

distribution may be reserved for rental housing for eligible persons or for the purposes enumerated in s. 420.9072(7)(b).

(c) At least 75 percent of the funds made available in each county and eligible municipality from the local housing distribution must be reserved for construction, rehabilitation, or emergency repair of affordable, eligible housing. Funds may be provided to mobile home owners as defined in s. 723.003 for rehabilitation and emergency repairs under this paragraph.

(d) Each local government must use a minimum of 20 percent of its local housing distribution to serve persons with special needs as defined in s. 420.0004. A local government must certify that it will meet this requirement through existing approved strategies in the local housing assistance plan or submit a new local housing assistance plan strategy for this purpose to the corporation for approval to ensure that the plan meets this requirement. The first priority of these special needs funds must be to serve persons with developmental disabilities as defined in s. 393.063, with an emphasis on home modifications, including technological enhancements and devices, which will allow homeowners to remain independent in their own homes and maintain their homeownership.

(e) ~~Not more than 20 percent of the funds made available in each county and eligible municipality from the local housing distribution may be used for manufactured housing.~~

~~(f)~~ The sales price or value of new or existing eligible

housing may not exceed 90 percent of the average area purchase price in the statistical area in which the eligible housing is located. Such average area purchase price may be that calculated for any 12-month period beginning not earlier than the fourth calendar year prior to the year in which the award occurs or as otherwise established by the United States Department of the Treasury.

(f)1.~~(g)1.~~ All units constructed, rehabilitated, or otherwise assisted with the funds provided from the local housing assistance trust fund must be occupied by very-low-income persons, low-income persons, and moderate-income persons except as otherwise provided in this section.

2.a. At least 30 percent of the funds deposited into the local housing assistance trust fund must be reserved for awards to very-low-income persons or eligible sponsors who will serve very-low-income persons, and at least an additional 30 percent of the funds deposited into the local housing assistance trust fund must be reserved for awards to low-income persons or eligible sponsors who will serve low-income persons.

b. This subparagraph does not apply to a county or an eligible municipality that includes or has included within the previous 5 years an area of critical state concern designated by the Legislature for which the Legislature has declared its intent to provide affordable housing. This sub-subparagraph expires on July 1, 2029, and applies retroactively.

(g) ~~(h)~~ Loans shall be provided for periods not exceeding 30 years, except for deferred payment loans or loans that extend beyond 30 years which continue to serve eligible persons.

(h) ~~(i)~~ Loans or grants for eligible rental housing constructed, rehabilitated, or otherwise assisted from the local housing assistance trust fund must be subject to recapture requirements as provided by the county or eligible municipality in its local housing assistance plan unless reserved for eligible persons for 15 years or the term of the assistance, whichever period is longer. Eligible sponsors that offer rental housing for sale before 15 years or that have remaining mortgages funded under this program must give a first right of refusal to eligible nonprofit organizations for purchase at the current market value for continued occupancy by eligible persons.

(i) ~~(j)~~ Loans or grants for eligible owner-occupied housing constructed, rehabilitated, or otherwise assisted from proceeds provided from the local housing assistance trust fund shall be subject to recapture requirements as provided by the county or eligible municipality in its local housing assistance plan.

(j) ~~(k)~~ The total amount of monthly mortgage payments or the amount of monthly rent charged by the eligible sponsor or her or his designee must be made affordable.

(k) ~~(l)~~ The maximum sales price or value per unit and the maximum award per unit for eligible housing benefiting from

awards made pursuant to this section must be established in the local housing assistance plan.

(l) ~~(m)~~ The benefit of assistance provided through the State Housing Initiatives Partnership Program must accrue to eligible persons occupying eligible housing. This provision shall not be construed to prohibit use of the local housing distribution funds for a mixed income rental development.

(m) ~~(n)~~ Funds from the local housing distribution not used to meet the criteria established in paragraph (a) or paragraph (c) or not used for the administration of a local housing assistance plan must be used for housing production and finance activities, including, but not limited to, financing preconstruction activities or the purchase of existing units, providing rental housing, and providing home ownership training to prospective home buyers and owners of homes assisted through the local housing assistance plan.

1. Notwithstanding the provisions of paragraphs (a) and (c), program income as defined in s. 420.9071(26) may also be used to fund activities described in this paragraph.

2. When preconstruction due-diligence activities conducted as part of a preservation strategy show that preservation of the units is not feasible and will not result in the production of an eligible unit, such costs shall be deemed a program expense rather than an administrative expense if such program expenses do not exceed 3 percent of the annual local housing

distribution.

3. If both an award under the local housing assistance plan and federal low-income housing tax credits are used to assist a project and there is a conflict between the criteria prescribed in this subsection and the requirements of s. 42 of the Internal Revenue Code of 1986, as amended, the county or eligible municipality may resolve the conflict by giving precedence to the requirements of s. 42 of the Internal Revenue Code of 1986, as amended, in lieu of following the criteria prescribed in this subsection with the exception of paragraphs (a) and (f) ~~(g)~~ of this subsection.

4. Each county and each eligible municipality may award funds as a grant for construction, rehabilitation, or repair as part of disaster recovery or emergency repairs or to remedy accessibility or health and safety deficiencies. Any other grants must be approved as part of the local housing assistance plan.

Section 3. Subsection (27) of section 420.9071, Florida Statutes, is amended to read:

420.9071 Definitions.—As used in ss. 420.907-420.9079, the term:

(27) "Recaptured funds" means funds that are recouped by a county or eligible municipality in accordance with the recapture provisions of its local housing assistance plan pursuant to s. 420.9075(5)(i) ~~s. 420.9075(5)(j)~~ from eligible persons or

eligible sponsors, which funds were not used for assistance to an eligible household for an eligible activity, when there is a default on the terms of a grant award or loan award.

Section 4. This act shall take effect July 1, 2025.

T I T L E A M E N D M E N T

Remove lines 3-9 and insert:
amending s. 420.9072, F.S.; providing an exception to a prohibition on providing rent subsidies; amending s. 420.9075, F.S.; requiring each

Remove lines 18-21 and insert:
certain mobile homes; providing an effective date.

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: HB 793	**COMPANION BILL:** SB 1516 (Wright)
TITLE: Aerospace Innovation Funding	**LINKED BILLS:** None
SPONSOR(S): Kendall	**RELATED BILLS:** None

Committee References

Transportation & Economic Development Budget 15 Y, 0 N	➤ Housing, Agriculture & Tourism	➤ Budget

SUMMARY

Effect of the Bill:

The bill creates the International Aerospace Innovation Fund (IAIF), administered by Space Florida, to provide a framework to accelerate global aerospace innovation by funding collaborative research and development projects, workforce development initiatives, and commercialization efforts.

Fiscal or Economic Impact:

The bill provides no specific appropriations and has no fiscal impact on the state.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill establishes the International Aerospace Innovation Fund (IAIF), administered by Space Florida. The IAIF is established to accelerate global aerospace innovation by funding collaborative research and development projects, workforce development initiatives, and commercialization efforts. (Section 3).

The bill directs the IAIF to:

- Develop partnerships between Florida-based aerospace companies and international aerospace companies.
- Drive innovation in critical technology areas, such as space exploration, advanced manufacturing, and space infrastructure.
- Attract global investment in Florida's aerospace ecosystem. (Section 3).

The bill requires Space Florida to secure funding for the IAIF, received from:

- The state, in the form of direct appropriations to Space Florida for purposes of the IAIF, investment by the Florida Opportunity Fund, and any other investment, loan, or grant funds for which projects of the IAIF qualify.
- Private sector investments. Space Florida may solicit matching funds from and partner with private aerospace companies and venture capital funds.
- International contributions. To the extent permitted under state law, Space Florida may collaborate with foreign space agencies or innovation authorities to co-fund IAIF projects. (Section 3).

The bill requires Space Florida to develop eligibility criteria for projects that may be funded by the IAIF, including:

- The project must involve at least one aerospace company or organization that is based in Florida.
- The project must be a partnership that involves at least one of the following:

    - An international aerospace company;
    - A university; or
    - A space agency.
- The bill specifies that the project must be intended, and have demonstrated potential, for commercialization. (Section 3).

Funding must be competitively awarded to eligible projects based on merit. Space Florida must establish a panel of international aerospace experts to evaluate and recommend projects. An application process must be established by Space Florida for projects seeking funding by the IAIF. (Section 3).

The bill provides that Space Florida must identify and establish partnerships, to the extent possible, with countries that have robust aerospace sectors. Space Florida may negotiate and enter into bilateral agreements for the establishment of co-funding commitments, intellectual property rights, and collaboration terms. (Section 3).

The effective date of the bill is July 1, 2025. (Section 4).

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill provides no specific appropriations and has no fiscal impact on the state. The creation of the fund would enhance the ability of Space Florida to work with the private sector and solicit private sector investments, venture capital funds, international contributions, grants, or other investments to support business development and commercialization of IAIF projects. Space Florida maintains existing resources which can also be utilized in conjunction with private investment to foster global partnerships. A request for a formal agency analysis was submitted to the Department of Commerce on March 10, 2025.

LOCAL GOVERNMENT:

None.

PRIVATE SECTOR:

The bill may have a positive impact on the aerospace industry in Florida, as a result of private sector investment and international contributions in the IAIF.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Space Florida

The Legislature passed the Space Florida Act in 2006,[1] which consolidated Florida's three existing space entities, Florida Space Authority, Florida Space Research Institute, and Florida Aerospace Finance Corporation, into a single entity called Space Florida.[2] Space Florida is established as an independent special district, a body politic and corporate, and a subdivision of the state.[3] Space Florida is subject to the provisions of the Uniform Special District Accountability Act, which governs issues like operations, financial reporting, taxation, assessments, elections, compliance with general law, and comprehensive planning.[4]

The Space Florida Board of Directors is comprised of 10 members, including the governor, experts in airport authority and aircrafts, the Secretary of Florida Department of Environmental Protection, and the Secretary of the

[1] Chapter 2006-60, Laws of Fla.
[2] *See* ss. 331.301 *through* 331.371, F.S.
[3] Section. 331.302(1), F.S.
[4] Section. 331.302(5), F.S.

Florida Department of Transportation.[5] These members are appointed by the Governor, President of the Senate, and Speaker of the House of Representatives.[6] The Governor or Governor's designee also serves on the Board as a voting member.[7]

Space Florida's objectives include supporting the growth and development of a sustainable and world-leading aerospace industry in Florida.[8] Space Florida acts as Florida's point of contact for state aerospace-related activities with federal agencies, the military, state agencies, businesses, and the private sector.[9] Space Florida is authorized to purchase or construct facilities, set rates, fees, and charges for the use of facilities, undertake joint financing with municipalities or private sector entities, and execute contracts with persons or spaceport users to facilitate the financing, construction, leasing, or sale of any project.[10]

According to Space Florida's 2024 Annual Operations Report, as of June 30, 2024, Space Florida had 161 total projects in development with an estimated value of $5.6 billion in capital investment.[11] This estimated value has almost doubled since 2021.[12]

Powers of Space Florida

Space Florida is given certain powers, including, but not limited to:[13]

- Using a corporate seal;
- Using patents, copyrights, and trademarks;
- Lending and investing money;
- Acquiring certain properties;
- Executing contracts;
- Issuing revenue bonds;
- Making expenditures for entertainment and travel expenses and business clients, guests, and other authorized persons; and
- Fixing and collecting fees, loan payments, rental payments, and other charges in connection with financing agreements.

Duties of Space Florida

To implement the Space Florida Act and carry out spaceport operations, Space Florida is given certain duties, including, but not limited to, creating a business plan, entering into agreements and cooperating with other state agencies, and consulting with appropriate federal agencies.[14]

Specifically, Space Florida is required to:

- Enter into agreements with the Department of Education, the Department of Transportation (DOT), the Department of Commerce, and CareerSource Florida.[15]
- In cooperation with the Department of Commerce, collaborate to develop a plan to retain, expand, attract, and create aerospace industry entities, public or private, which results in the creation of high-value-added businesses and jobs in Florida.[16]
- Develop, in cooperation with the Department of Commerce, a plan to provide financing assistance to aerospace businesses.[17]

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[5] Section. 331.3081, F.S.
[6] *Id.*
[7] Space Florida, *Board of Directors*, (2024), https://www.spaceflorida.gov/board-of-directors (last visited March 14, 2025); S. 331.3081, F.S.
[8] Section. 331.302(1), F.S.
[9] Section 331.3011(3), F.S.
[10] Section 331.305, F.S.
[11] Space Florida, *Annual Report Trajectories*, (2024), https://cdn.prod.website-files.com/66c8a3fe36eef11411f2b1ef/674749d0769077b041d100ff_Annual-Report-2024-Final_compressed.pdf (last visited March 14, 2025).
[12] *Id.*
[13] Section 331.305, F.S.
[14] Section 331.3051, F.S.
[15] Section 331.3051(2), F.S.
[16] Section 331.3051(3), F.S.
[17] Section 331.3051(6), F.S.

- Carry out its responsibilities for spaceport operations by:[18]
  - Seeking federal support and developing partnerships to renew and upgrade the infrastructure and technologies at the Cape Canaveral Air Force Station, the John F. Kennedy Space Center, and the Eastern Range.
  - Supporting federal efforts to clarify roles and responsibilities of federal agencies in an effort to streamline access for commercial launch users.
  - Pursuing the development of commercial spaceports in the state in partnership with counties or municipalities, the Federal Government, or private entities.
  - Promoting and facilitating launch activity within the state by supporting and assisting commercial launch operators efforts to obtain authorization from federal agencies for launching from Florida.
  - Consulting, as necessary, with the appropriate federal, state, and local authorities, including the National Aeronautics and Space Administration, Federal Aviation Administration, Department of Defense, DOT, Florida National Guard, and industry on establishing and operating spaceport infrastructure and facilities in the state.

Space Florida Funding

Space Florida maintains a recurring budget of $17.5 million, averaging total appropriations of $21.0 million annually. This includes an average of $6.0 million dedicated to financing business development and fostering partnerships and collaboration in the Florida aerospace industry.

Space Florida Appropriations			
	FY 2022-23	FY 2023-24	FY 2024-25
Operations	12,500,000	12,500,000	17,500,000
Business Development	6,000,000	8,500,000	6,000,000
Total	$ 18,500,000	$ 21,000,000	$ 23,500,000

Space Florida states that expanding investment opportunities to include foreign entities would tap into the global aerospace market, potentially enhancing Florida's return on investment.[19] Since its inception in 2013, Space Florida has received $1.0 million in annual recurring funds to support the Space Florida-Israel Innovation Partnership. Together with its capital accelerator programs, these initiatives have generated over $800 million in capital to the state's aerospace sector.[20] The Space Florida-Israel Innovation Partnership has facilitated over $22 million in joint research and development funding, strengthening economic and strategic ties between Florida and Israeli aerospace companies.[21] This collaboration supports the development of aerospace technologies with significant potential across industries such as defense, transportation, and infrastructure, helping both Florida and Israel maintain leadership in aerospace innovation among growing global competition.[22]

[18] Section 331.3051(7), F.S.
[19] Email from Lindsay Pierce, Director of Government Relations & External Affairs, Space Florida, RE: HB 793, (March 5, 2025).
[20] Email from Lindsay Pierce, Director of Government Relations & External Affairs, Space Florida, RE: HB 793, (March 5, 2025).
[21] Space Florida, *Israel Innovation Authority Partnership*, https://www.spaceflorida.gov/israel-innovation-authority-partnership (last visited Mar. 20, 2025).
[22] Space Florida, *Annual Report Trajectories*, (2024), https://cdn.prod.website-files.com/66c8a3fe36eef11411f2b1ef/674749d0769077b041d100ff_Annual-Report-2024-Final_compressed.pdf (last visited March 14, 2025).

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Transportation & Economic Development Budget Subcommittee	15 Y, 0 N		Davis	Andeara
Housing, Agriculture & Tourism Subcommittee			Curtin	Rodriguez
Budget Committee				

A bill to be entitled

An act relating to aerospace innovation funding; amending s. 331.3051, F.S.; requiring Space Florida to administer the International Aerospace Innovation Fund; amending s. 331.310, F.S.; conforming a cross-reference; creating s. 331.372, F.S.; establishing the International Aerospace Innovation Fund; providing the purpose and duties of the fund; requiring Space Florida to secure funding from certain sources; requiring Space Florida to develop certain eligibility criteria; providing requirements for such eligibility criteria; requiring that funding be awarded in a certain manner; requiring Space Florida to establish a certain panel; requiring Space Florida to establish an application process for projects seeking funding from the fund; requiring Space Florida to identify and establish certain partnerships; authorizing Space Florida to negotiate and enter into bilateral agreements for certain purposes; providing an effective date.

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

Section 1. Present subsections (15) and (16) of section 331.3051, Florida Statutes, are redesignated as subsections (16)

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

and (17), respectively, and a new subsection (15) is added to that section, to read:

331.3051 Duties of Space Florida.—Space Florida shall:

(15) Administer the International Aerospace Innovation Fund established under s. 331.372.

Section 2. Paragraph (e) of subsection (2) of section 331.310, Florida Statutes, is amended to read:

331.310 Powers and duties of the board of directors.—

(2) The board of directors shall:

(e) Prepare an annual report of operations as a supplement to the annual report required under s. 331.3051(17) ~~s. 331.3051(16)~~. The report must include, but not be limited to, a balance sheet, an income statement, a statement of changes in financial position, a reconciliation of changes in equity accounts, a summary of significant accounting principles, the auditor's report, a summary of the status of existing and proposed bonding projects, comments from management about the year's business, and prospects for the next year.

Section 3. Section 331.372, Florida Statutes, is created to read:

331.372 International Aerospace Innovation Fund.—

(1) The International Aerospace Innovation Fund is established to accelerate global aerospace innovation by funding collaborative research and development projects, workforce development initiatives, and commercialization efforts. The

International Aerospace Innovation Fund shall be administered by Space Florida.

(2) The International Aerospace Innovation Fund shall:

(a) Develop partnerships between Florida-based aerospace companies and international aerospace companies.

(b) Drive innovation in critical technology areas, such as space exploration, advanced manufacturing, and space infrastructure.

(c) Attract global investment in this state's aerospace ecosystem.

(3) Space Florida shall secure funding for the International Aerospace Innovation Fund. Funding may be received from:

(a) The state, in the form of direct appropriations to Space Florida for purposes of the International Aerospace Innovation Fund, investment by the Florida Opportunity Fund, and any other investment, loan, or grant funds for which projects of the International Aerospace Innovation Fund qualify.

(b) Private sector investments. Space Florida may solicit matching funds from and partner with private aerospace companies and venture capital funds.

(c) International contributions. To the extent permitted under state law, Space Florida may collaborate with foreign space agencies or innovation authorities to co-fund International Aerospace Innovation Fund projects.

(4)(a) Space Florida shall develop eligibility criteria for projects that may be funded by the International Aerospace Innovation Fund. The eligibility criteria must include, but are not limited to, all of the following:

1. The project must involve at least one aerospace company or organization that is based in this state.

2. The project must be a partnership that involves at least one of the following:

a. An international aerospace company.

b. A university.

c. A space agency.

3. The project must be intended, and have demonstrated potential, for commercialization.

(b) Funding must be competitively awarded to eligible projects based on merit. Space Florida shall establish a panel of international aerospace experts to evaluate and recommend projects.

(c) Space Florida shall establish an application process for projects seeking funding by the International Aerospace Innovation Fund.

(5) Space Florida shall identify and establish partnerships, to the extent possible, with countries that have robust aerospace sectors.

(6) Space Florida may negotiate and enter into bilateral agreements for the purposes of this section, which may include,

but are not limited to, the establishment of co-funding commitments, intellectual property rights, and collaboration terms.

Section 4. This act shall take effect July 1, 2025.

CODING: Words stricken are deletions; words underlined are additions.

HOUSING, AGRICULTURE, AND TOURISM SUBCOMMITTEE

HB 793 by Rep. Kendall
Relating to Aerospace Innovation Funding

AMENDMENT SUMMARY
March 25, 2025

Amendment 1 by Rep. Kendall (Line 56): The amendment clarifies certain terms and adds research institutes to the list of entities that must be involved in each project.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	_____	

Committee/Subcommittee hearing bill: Housing, Agriculture & Tourism Subcommittee

Representative Kendall offered the following:

Amendment

Remove lines 56-91 and insert:

(b) Drive innovation in critical technology areas related to aerospace as defined in s. 331.303, including, but not limited to space exploration, advanced manufacturing, and space infrastructure.

(c) Attract global investment in this state's aerospace ecosystem.

(3) Space Florida shall secure funding for the International Aerospace Innovation Fund. Funding may be received from:

(a) The state, in the form of direct appropriations to Space Florida for purposes of the International Aerospace Innovation Fund, investment by the Florida Opportunity Fund, and any other investment, loan, or grant funds for which projects of the International Aerospace Innovation Fund qualify.

(b) Private sector investments. Space Florida may solicit matching funds from and partner with private aerospace companies and venture capital funds.

(c) International contributions. To the extent permitted under state law, Space Florida may collaborate with foreign industry development organizations or innovation authorities to co-fund International Aerospace Innovation Fund projects.

(4)(a) Space Florida shall develop eligibility criteria for projects that may be funded by the International Aerospace Innovation Fund. The eligibility criteria must include, but are not limited to, all of the following:

1. The project must involve at least one aerospace company or organization that is based in this state.

2. The project must be a partnership that involves at least one of the following:

a. An international aerospace company.

b. A university.

c. A space agency.

d. A research institute.

3. The project must be intended, and have demonstrated potential, for commercialization.

(b) Funding must be competitively awarded to eligible projects based on merit. Space Florida shall establish a panel of aerospace experts to evaluate and recommend

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: HB 943	**COMPANION BILL:** SB 1730 (Calatayud)
TITLE: Real Property and Land Use and Development	**LINKED BILLS:** None
SPONSOR(S): Lopez, V.	**RELATED BILLS:** None

Committee References

Housing, Agriculture & Tourism ➤ Intergovernmental Affairs ➤ Civil Justice & Claims ➤ Commerce

SUMMARY

Effect of the Bill:

The bill:

- Amends various provisions in the Live Local Act relating to affordable housing, certain building moratoriums, and reporting requirements.
- Requires proposed urban infill development to be administratively approved.
- Makes certain qualified developments eligible to receive an exception or waiver for 20 percent of the impact fees for the development of affordable housing.
- Revises the requirements to receive a property tax exemption for certain affordable housing.
- Requires local governments to allow the construction of accessory dwelling units (ADUs).
- Requires the Florida Housing Finance Corporation to finance housing for veterans and essential service and high-demand career employees.
- Creates expedited foreclosure proceedings for abandoned real property.
- Makes it unlawful to discriminate in land use decisions based on a development or proposed development being affordable housing.
- Requires district school boards to adopt best practices for surplus land programs.

Fiscal or Economic Impact:

The bill has an indeterminate impact on local governments and the private sector.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

Affordable Housing Development

The bill amends various provisions in the Live Local Act.

The bill requires a local government[1] to approve the development of affordable housing if the following requirements are met:

- The owner of the parcel is a religious institution.[2]
- At least 40 percent of the residential units included in the development are for housing that is affordable and the project has an affordability period of at least 30 years.
- The parcel is not located within 500 feet of a military installation[3] or a commercial service airport.[4]

[1] Local government means any county or municipality. S. 163.3164(29), F.S.
[2] Religious institution means any church, synagogue, or other established physical place for worship at which nonprofit religious services and activities are regularly conducted and carried on. S. 170.201(2), F.S.

- State and local laws and regulations, other than land use or zoning regulations, apply to the parcel. (Section 1 for counties; Section 4 for municipalities.)

The bill also requires[5] local governments to authorize multifamily and mixed use residential as allowable uses, if at least 40 percent of the residential units in a proposed multifamily or mixed-use residential development are rental units that have an affordability period of 30 years or more, on:

- Any site owned by the local government, a district school board, or a religious institution; and
- Any area zoned for commercial, industrial, or mixed use, or any zoning district not zoned solely for use as a single-family home or duplex. (Section 1 for counties; Section 4 for municipalities.)

Under the bill, local governments must authorize the inclusion of an adjacent parcel of land as part of the multifamily development, regardless of the land use designation on the adjacent parcel, if the residential units to be built on the adjacent parcel comply with the above requirements. (Section 1 for counties; Section 4 for municipalities.)

The bill requires areas zoned for mixed use by a local government, notwithstanding any other local land development regulation categorization or title, to be defined as areas that include both residential and nonresidential uses, regardless of whether the residential or nonresidential uses are permitted as:

- Principal use,
- Conditional use,
- Ancillary use,
- Special use,
- Unusual use,
- Accessory use,
- Planned unit development, or
- Planned development. (Section 1 for counties; Section 4 for municipalities.)

Additionally, the bill provides that affordable or workforce units that receive any incentive under current law[6] also qualify as affordable ***as long as*** the units satisfy affordability requirements[7] and local regulations. (Section 1 for counties; Section 4 for municipalities.)

The bill requires a proposed multifamily or mixed-use residential development to be administratively approved, without further action by the board of county commissioners or governing body, as applicable, or any quasi-judicial board of the reviewing body, if the development satisfies the local government's land development regulations for multifamily and mixed-use residential developments in areas zoned for such use, density, intensity, and height, with the exception of provisions establishing allowable densities, floor area ratios, height and land use, including mixed use and minimum nonresidential or commercial floor area requirements. The bill requires the removal or demolition of an existing structure to be performed as part of the proposed development to also be administratively approved. (Section 1 for counties; Section 4 for municipalities.)

Under the bill, if a property owner files a site plan application for an affordable housing project, the administrative review process must be based solely on the land development regulations in effect as of the date of filing the

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[3] Military installation means one of 16 military installations identified in s. 163.3175(2)(a)-(p), F.S.

[4] Commercial service airport means a primary airport as defined in 49 U.S.C. § 47102 which is classified as a large, medium, or small hub airport by the Federal Aviation Administration. S. 332.0075(1)(a), F.S.

[5] This requirement is notwithstanding any other law, local ordinance, or regulation to the contrary, including any local moratorium established after March 29, 2023. (Section 1 for counties; Section 4 for municipalities.)

[6] In exchange for a developer fulfilling the requirements of s. 125.01055(2), F.S. (for a county), or s. 166.04151(2), F.S. (for a municipality), a local government must provide incentives to fully offset all costs to the developer of its affordable housing contribution or linkage fee. Such incentives may include, but are not limited to: allowing the developer density or intensity bonus incentives or more floor space than allowed under the current or proposed future land use designation or zoning; reducing or waiving fees, such as impact fees or water and sewer charges; or granting other incentives. *See* ss. 125.01055(4) and 166.04152(4), F.S.

[7] *See* s. 420.0004(3), F.S.

application. Further, if an action is filed against a local government to challenge the adoption or enforcement of a local ordinance, resolution, or other local regulation on the grounds that it is expressly preempted by state law, the bill requires:

- A court to expedite the proceeding and render a decision within 30 days after service of process.
- A notice of appeal to be filed and served within 30 days after the rendition of the judgment appealed from.
- The Supreme Court to adopt rules by October 1, 2025, to ensure the proceedings are handled expeditiously and consistently with the foregoing provisions. (Section 1 for counties; Section 4 for municipalities.)

Prohibited Acts

The bill prohibits a local government from:

- Requiring a proposed multifamily or mixed-use residential development to obtain an amendment to a development of regional impact, amendment to a development agreement, or amendment to a restrictive covenant, notwithstanding any other law, local ordinance, or regulation to the contrary.
- Requiring more than 10 percent of the total square footage of a mixed-use residential project be used for nonresidential purposes. (Section 1 for counties; Section 4 for municipalities.)

The bill also prohibits local governments from restricting or taking any action that has the effect of restricting:

- The maximum lot size of a proposed multifamily or mixed-use residential development below the highest maximum lot size allowed on or after July 1, 2023, on any unincorporated land in the local government where multifamily or mixed-use residential development is allowed pursuant to the local government's land development regulations.
- The maximum lot coverage of a proposed multifamily or mixed-use residential development below 70 percent. (Section 1 for counties; Section 4 for municipalities.)

The bill preempts any local government ordinance, resolution, or action that has the effect, either directly or indirectly, of doing any of the following, and provides that any such ordinance, resolution, or action that does any of the following is superseded by state law:

- Limiting the height, floor area ratio, or density of an affordable housing project;
- Unreasonably delaying the development or construction of an affordable housing project, including, but not limited to, imposing a moratorium;
- Restricting the manner in which affordable units are developed or accessed within a project or regulating the types of units in the project; or
- Restricting or limiting an affordable housing project in any other way. (Section 1 for counties; Section 4 for municipalities.)

The bill prohibits a local government's review or approval of an application for a development permit or development order from being conditioned on the waiver, forbearance, or abandonment of any affordable housing development right under law, and provides that any such waiver, forbearance, or abandonment is void. (Section 1 for counties; Section 4 for municipalities.)

Reporting Requirements

Beginning June 30, 2026, the bill requires all local governments to submit an annual report to the state planning agency[8] that includes:

- All litigation initiated under s. 125.01055(1), F.S., for counties, or s. 166.04151(1), F.S., for municipalities, the status of the case, and, if applicable, the final disposition of the case.
- All actions the local government has taken on any affordable housing project, including, at minimum, the project size, density, and intensity, and the number of units and the number of affordable units for such proposed project.

[8] State land planning agency means the Department of Commerce. S. 163.3164(46), F.S.

- For any proposed development that is denied or not accepted, all actions the local government has taken on such proposed development and an explanation for why such actions were taken. (Section 1 for counties; Section 4 for municipalities.)

Under the bill, the state land planning agency must also provide an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding local governments' compliance with Florida's affordable housing project development laws. (Section 1 for counties; Section 4 for municipalities.)

Building Moratoriums

The bill prohibits a local government from initiating or enforcing zoning-in-progress or a building moratorium on affordable housing developments for which the local government has approved the development's preliminary site plan. Additionally, the bill requires each local government to:

- Maintain on its website a policy containing the zoning map and zoning regulations in effect on July 1, 2023, in addition to the procedures and expectations for certain administrative approval.
- Reduce parking requirements by at least 20 percent for affordable housing developments, or by 100 percent for structures that are 20,000 square feet or less.
- Approve a building permit plan review for proposed affordable housing developments within 60 days, and prioritize a building permit plan review for affordable housing projects over other development projects. (Section 1 for counties; Section 4 for municipalities.)

The bill also prohibits local governments from imposing a building moratorium that has the effect of delaying the permitting of construction of a multifamily project that would otherwise qualify for:

- An affordable housing ad valorem tax exemption.[9]
- Any grant, loan or other incentive provided for the development of affordable housing under ch. 420, F.S.
- Any abatement of development restrictions.[10] (Section 1 for counties; Section 4 for municipalities.)

The bill creates a cause of action against a local government if a property owner of certain multifamily projects is adversely affected by a building moratorium imposed in violation of the bill's provisions. If the court finds that a local government has committed a violation, the court may provide injunctive relief, compensatory damages, and reasonable attorney fees and costs,[11] not to exceed $100,000, to a prevailing plaintiff. (Section 1 for counties; Section 4 for municipalities.)

Under the bill, if the owner of an administratively approved proposed development has acted in reliance on that administrative approval, the owner has a vested right to proceed with development under the relevant laws, regulations, and ordinances at the time such rights vested, if the property continues to comply with the requirements of s. 125.01055 (7), F.S., for counties, and s. 163.04151(7), F.S., for municipalities. (Section 1 for counties; Section 4 for municipalities.)

Miscellaneous

The bill provides that, regardless of terminology used in a local government's land development regulations, the following terms are defined as follows:

- "Allowable use" means the intended uses identified in a local government's land development regulations which are authorized within a zoning category as a use by right, without the requirement to obtain a variance or waiver. The term does not include uses that are accessory, ancillary, or incidental to the allowable uses or allowed only on a temporary basis.

[9] *See* ss. 196.1978 and 196.1979, F.S.
[10] *See* s. 125.01055 (7), F.S., for counties, and s. 163.04151(7), F.S., for municipalities.
[11] For purposes of these provisions, reasonable attorney fees and costs means the reasonable and necessary attorney fees and costs incurred for all preparations, motions, hearings, trials, and appeals in a proceeding. The term does not include any attorney fees or costs directly incurred by or associated with litigation to determine an award of reasonable attorney fees or costs. (Section 1 for counties; Section 4 for municipalities.)

- "Commercial use" means activities associated with the sale, rental, or distribution of products or the sale or performance of services. The term includes, but is not limited to, retail, office, entertainment, and other for-profit business activities.
- "Planned unit development" means an area of land that is planned and developed as a single entity or in approved stages with uses and structures substantially related to the character of the entire development, or a self-contained development in which the subdivision and zoning controls are applied to the project as a whole rather than to individual lots. (Section 1 for counties; Section 4 for municipalities.)

The bill allows the prevailing party in a challenge under s. 125.01055(1), F.S., for counties, or s. 166.04151(1), F.S., for municipalities, to recover attorney fees and costs, including reasonable appellate attorney fees and costs, notwithstanding s. 57.112(6), F.S. (Section 1 for counties; Section 4 for municipalities.)

Impact Fees

Under the bill, qualified developments that are authorized must receive an exception or waiver for 20 percent of the impact fees for the development of, or construction of the portion of the development that is, affordable housing. (Section 2.)

Procedure for Adopting Certain Ordinances and Resolutions

The bill requires a local government's governing body or board of county commissioners (as applicable), which designates the character of privately owned property as a historical landmark without the consent of the property owner, to be accompanied by a finding by the governing body, based on substantial competent evidence, that the historic significance of the subject property is commensurate, to an equal or greater degree, with property that is already designated as a historic landmark within the municipality. (Section 3.)

Urban Infill and Redevelopment Areas

The bill requires a proposed urban infill development under Florida's Growth Policy Act to be administratively approved, without needing a comprehensive plan amendment, rezoning, or variance for the approval. This requirement is notwithstanding any ordinance to the contrary existing on July 1, 2025. (Section 5.)

Community Planning Act

The bill amends the definitions of the following terms in the Community Planning Act (CPA) to mean:
- "Compatibility" means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. All residential land use categories are deemed to be compatible with each other.
- "Urban service area" means areas in which public facilities and services, including, but not limited to, central water and sewer capacity and roads, are already in place or may be expanded by the local government or the private sector as evidenced by an executed agreement with the local government to provide urban services within the local government's 20-year planning period. (Section 6.)

The bill prohibits optional elements of a comprehensive plan under the CPA from containing policies that restrict the density or intensity established in a future land use element. Additionally, the bill:
- Requires that where data is relevant to required and optional elements, consistent data must be used, including population estimates and projects; and
- Eliminates the option to use alternative data to justify a plan amendment. (Section 7.)

The bill clarifies that a local government's future land use element under a comprehensive plan must discourage the proliferation of urban sprawl by planning for future development in a manner consistent with the CPA's requirements for elements of a comprehensive plan. (Section 7.)

The bill requires the approval of an increase in height or floor area ratio in a local government's land development regulations by a local government, commission, council, or board to be by ordinance with a simple majority vote. For purposes of these provisions, "floor area ratio" includes floor lot area. (Section 8.)

Accessory Dwelling Units

The bill requires local governments to adopt an ordinance to allow accessory dwelling units (ADUs) in any area zoned for single-family residential use. The bill prohibits local governments from unreasonably increasing (or in effect unreasonably increasing) the cost to construct, in effect prohibiting the construction of, or extinguishing the ability to otherwise construct, an ADU. Such regulation does not include:

- Restrictions on the terms of rentals that do not apply generally to other housing in the same district or zone.
- Parking requirements and minimum lot size requirements that do not apply generally to other housing in the same district or zone, other lot design regulations that unreasonably increase the cost to construct, or unreasonably extinguish the ability to construct an accessory dwelling unit on a lot.
- Discretionary conditional use permit procedures or standards that do not apply generally to other housing in the same district or zone. (Section 9.)

The bill removes the requirement for a building permit application to construct an ADU to include an affidavit from the applicant which attests that the unit will be rented at an affordable rate to an extremely-low-income, very-low-income, low-income, or moderate-income person or persons. (Section 9.)

Beginning October 1, 2025, and by October 1 every year thereafter, the bill requires local governments to submit an annual report to the Department of Commerce (Department), in a form and manner prescribed by the Department, and post publicly on its website, the following information for the previous fiscal year:

- The number of applications to construct new ADUs, the number of new ADUs that have been approved, and the number of new ADUs that have been denied, including the reason for denial.
- The number of allowable ADUs located in the jurisdiction; the number of ADUs, attached or unattached, which are not allowed by an ordinance; and the number of single-family homes in a zoning district in which ADUs are allowed by an ordinance. (Section 9.)

The bill authorizes the Department to adopt rules to administer and enforce the above reporting requirements. (Section 9.)

Homestead Exemption

The bill prohibits the owner of a property with an ADU from being denied a homestead exemption or homestead property assessment limitation solely on the basis of the property containing an ADU which may be rented. Under the bill, if the ADU is rented by the property owner:

- The assessment of the ADU must be separated from the homestead property.
- The rental of the ADU by the owner may not be construed as an abandonment of the dwelling previously claimed to be a homestead,[12] provided the dwelling is physically occupied by the owner. (Section 9.)

If an ADU is not rented by the property owner, the bill requires the assessment of the ADU to be considered part of the homestead property. (Section 9.)

Affordable Housing Property Exemption

For property to be eligible for a local government's affordable housing property exemption, the bill requires a portion of the property to be:

- Used to house natural persons or families whose household income meets certain requirements;[13]

[12] *See* s. 196.061, F.S.
[13] *See* s. 196.1979(1)(a)1., F.S.

- Within a multifamily project containing at least the minimum number of residential units as defined by the local government. A local government may set a minimum residential unit threshold that deems a property eligible for the exemption for properties that exceed 15,000 square feet, at a minimum of 5 units not to exceed a minimum of 50 residential units; or
- An ADU (Section 10.)

Under the bill, qualified properties may receive an ad valorem property tax exemption up to 100 percent of the assessed value of an ADU on the property if the ADU is used to provide affordable housing that meets the requirements of s. 196.1979, F.S. (Section 10.)

Airport Zoning Regulations

The bill clarifies that local governments are not required to authorize an affordable housing development that is located within one-quarter of a mile laterally from the edge of an airport's runway and within an area that is the width of one-quarter of a mile extending at right angles from the end of the runway for a distance of 10,000 feet of any runway for an existing commercial service airport or planned commercial service airport runway identified in the local government's airport master plan. For purposes of these provisions, "commercial service airport" means a primary airport as defined in 49 U.S.C. § 47102 which is classified as a large, medium, or small hub airport by the Federal Aviation Administration.[14] (Section 11.)

Housing for Veterans and Essential Service Employees

The bill requires the Florida Housing Finance Corporation (Corporation) to finance projects that provide housing near military installations and U.S. Department of Veterans Affairs medical centers or outpatient clinics in the state, with preference given to projects that incorporate critical services for servicemembers, their families, and veterans, such as mental health treatment services, employment services, and assistance with transition from active-duty service to civilian life. (Section 12.)

The bill also requires the Corporation to finance projects that provide housing in areas of critical housing shortage for essential service and high-demand career employees through a public-private housing partnership agreement with major public and private sector employers for whom housing shortages are affecting recruitment and retention of workers. Additionally, the bill:

- Requires private sector employers to provide land and financial support for the housing projects under these provisions.
- Prohibits housing under these provisions from being exclusive to any specific employee group. (Section 12.)

Expedited Foreclosure Proceedings for Abandoned Real Property

The bill allows a claimant, in a foreclosure proceeding under Florida's laws for foreclosure of mortgages and statutory liens,[15] to file a motion with the trial court for a judicial determination that certain residential real property is abandoned real property. The bill requires the claimant to file a sworn affidavit with the trial court attesting that the residential real property is abandoned real property, and any other relevant documentation, including photographic documentation. Upon filing of the motion, the bill requires the trial court to set the date and time for a hearing on the motion, which must be conducted at least 15 days but no more than 25 days after the filing of the motion. (Section 13.)

Under the bill, the claimant must:

- Give written notice to the homeowner of the abandoned property and to each known delinquent party.
- Promptly send or deliver notice to the last known mailing address, e-mail address, and telephone number of the homeowner and to each known delinquent party. The notice must:

[14] *See* s. 332.0075(1)(a), F.S.
[15] *See* ch. 702, F.S.

    - State that a motion has been filed with the trial court to make a judicial determination as to whether the residential real property is abandoned real property and that a hearing regarding the motion has been set.
    - State the contact information of the trial court to which the motion was filed and the date and location of the hearing on the motion.
    - State the bill's definition of abandoned real property.
    - State the possible outcomes if the court makes a judicial determination that the residential real property is abandoned real property, including the possibility of an expeditious foreclosure on the property.
    - State that the homeowner or delinquent party has the right to file an affidavit attesting to legal residence at the property, or any other documentation of legal residence at the property, at the time of the hearing and may appear personally or by way of an attorney at the hearing.
    - State that a mortgagor, lawful occupant, or adverse possessor of the residential real property may contact the trial court for information about the motion and hearing or to object on the record to the motion.
    - Provide copies of the motion and any documentation in support of the motion, including photographic and other relevant documentation.
- Conspicuously post on the residential real property a notice printed in at least 12-point uppercase and boldfaced type. The posted notice must also include the information required for the mailed and e-mailed notice described above.
- File with the trial court photographic documentation of compliance with these provisions after posting the notice on the residential real property. (Section 13.)

At the hearing on the motion, if the trial court finds by a preponderance of the evidence that the residential real property is abandoned real property, the bill requires the court to render a declaratory judgment in favor of the claimant and immediately proceed to a trial of foreclosure. If the trial court finds at the foreclosure trial that the abandoned real property meets all requirements necessary to enter a judgement of foreclosure, the bill requires the court to promptly order the clerk to schedule a public sale of the abandoned real property. (Section 13.)

The bill provides that if a mortgagor, lawful occupant, or person claiming adverse possession of the abandoned property objects to the trial court's judicial determination described above and submits the appropriate documentation with the court, the court may not enter a declaratory judgment in favor of the claimant. If, however, sufficient evidence is presented to the court that the property is not abandoned real property, the court shall rescind the orders it previously issued. (Section 13.)

Under the bill, residential real property is considered abandoned if the homeowner or delinquent party delivers a written, signed statement declaring the residential real property to be abandoned; or if the property is residential real property that a homeowner does not continue to occupancy or use, and at least three of the following indications of abandonment are met:

- Furnishings and personal items consistent with residential occupancy are not present on the property;
- Public utility services, such as gas, electric, or water utilities, are disconnected;
- Windows on the property are boarded up or closed off; smashed, broken, or unhinged; or window panes are broken and unrepaired;
- Statements are provided by neighbors, delivery agents, or government employees that the property is vacant;
- Doors on the property are substantially damaged, broken, unhinged, or conspicuously open;
- The property is stripped of copper or any other nonferrous metal, including, but not limited to, copper, copper alloy, brass, aluminum, bronze, lead, zinc, nickel, and alloys thereof, or any interior fixtures are removed;
- At least one report has been received by law enforcement officials of trespassing, vandalism, or other illegal activity on the property within the immediately preceding 6 months;
- The property has been declared unfit for occupancy and ordered to remain vacant and unoccupied under an order issued by a municipal authority or county authority, or by a court of competent jurisdiction;

- Construction has been initiated on the property but is discontinued before completion, leaving the property unsuitable for occupancy, and construction has not taken place for at least 12 months;
- Newspapers, circulars, flyers, or mail has accumulated on the property or the United States Postal Service has discontinued delivery to the property;
- Rubbish, trash, debris, neglected vegetation, or natural overgrowth has accumulated on the property;
- Hazardous, noxious, or unhealthy substances or materials have accumulated on the property;
- The homeowner or a representative for the property cannot be reached after a credible attempt to communicate; or
- Other credible indications exist indicating that the homeowner has vacated and abandoned the property. (Section 13.)

The above provisions do not apply to residential real property that is:
- Subject to an action to quiet title;
- Subject to a probate action;
- The subject of any other litigation where the ownership of the property is actively disputed;
- An unoccupied dwelling or building undergoing construction, renovation, or any other manner of rehabilitation, which complies with all applicable state and local permitting requirements and regulations. (Section 13.)

Prohibited Discrimination in Land Use Decisions

The bill clarifies that it is unlawful to discriminate in land use decisions or the permitting of development based on race, color, national origin, sex, disability, familial status, religion, or, except as other provided by law, the source of financing of a development or proposed development or based on the development or proposed development being affordable housing. (Section 14.)

To ensure that courts may assess damages for claims filed under the above provisions, the bill waives sovereign immunity for the state, its agencies, and its political subdivisions for causes of action based on the application of the above provisions. The waiver, however, is limited only to actions brought under those provisions. A violation of the provisions may be remedied as provided in Florida's Fair Housing Act.[16] (Section 14.)

The Legislature's intent is that the bill's changes to the above provisions are remedial and clarifying in nature. The bill's changes apply retroactively for any causes of action filed on or before the effective date of the bill, which is July 1, 2025. (Section 15.)

District School Board's Surplus Land Programs

The bill requires a district school board to use portions of school sites purchased within the guidelines of the State Requirements for Educational Facilities land deemed not usable for educational purposes because of location or other factors, or land declared as surplus by the board. The bill also requires each district school board's most recent and all future educational plan surveys to be updated to include an inventory of surplus lands. (Section 17.)

Additionally, the bill requires a district school board to adopt best practices for surplus land programs, including, but not limited to:
- Establishing eligibility criteria for the receipt or purchase of surplus land by developers.
- Making the process for requesting surplus lands publicly available.
- Ensuring long-term affordability through ground leases by retaining the right of first refusal to purchase property that would be sold or offered at market rate and by requiring reversion of property not used for affordable housing within a certain timeframe. (Section 17.)

The bill has an effective date of July 1, 2025. (Section 18.)

[16] *See* s. 760.35, F.S.

RULEMAKING:

The bill authorizes the Department of Commerce (Department) to adopt rules to administer and enforce the bill's reporting requirements for local governments relating to accessory dwelling units, including the form that local governments will use to submit the reports. (Section 9.)

Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.

FISCAL OR ECONOMIC IMPACT:

LOCAL GOVERNMENT:

The bill has an indeterminate impact on local governments that are subject to the bill's requirements to authorize the development of affordable housing.

PRIVATE SECTOR:

The bill has an indeterminate positive impact on the private sector to the extent that the bill facilitates, and results in an increase in the availability of, affordable housing in the state.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Affordable Housing

Housing is considered affordable when monthly rents or monthly mortgage payments, including taxes, insurance, and utilities, do not exceed 30 percent of a family's gross income.[17] Over 2.4 million low-income Florida households pay more than 30% of their incomes towards housing, which is the maximum amount considered affordable by experts.[18] Over half of these households, or 1.3 million low-income households, spend more than 50% of their income towards housing costs.[19] This makes it difficult for those households to save for retirement or emergencies and difficult to afford other necessities such as food and childcare.[20]

Eligibility to participate in Florida's state and federally-funded housing programs is determined by area median income (AMI) or statewide median family income, which is published annually by the United States Department of Housing and Urban Development (HUD).[21] In Florida, the current statewide AMI for a family of four is $88,600 (as family size changes, the income range also varies):[22]

- Extremely-low-income – earning up to 30 percent AMI (at or below $26,600);[23]
- Very-low-income – earning from 30.01 to 50 percent AMI ($26,601 to $44,300);[24]
- Low-income – earning from 50.01 to 80 percent AMI ($44,301 to $70,900);[25] and
- Moderate-income – earning from 80.01 to 120 percent of AMI ($70,901 to $106,320).[26]

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[17] S. 420.0004(3), F.S.
[18] Florida Housing Coalition, *2024 Home Matters Report*, p. 2. https://flhousing.org/wp-content/uploads/2024/08/FHC-2024-Home-Matters-Report.pdf (last visited Mar. 21, 2025).
[19] *Id.*
[20] *Id.*
[21] *See* U.S. Dept. of Housing and Urban Development: Office of Policy Development and Research, *Income Limits*, https://www.huduser.gov/portal/datasets/il.html#documents_2024 (last visited Mar. 21, 2025).
[22] U.S. Dept. of Housing and Urban Development: Office of Policy Development and Research, *FY 2024 State Income Limits: Florida*, https://www.huduser.gov/portal/datasets/il/il2024/2024summary.odn?inputname=STTLT*1299999999%2BFlorida&selection_type=county&stname=Florida&statefp=12.0&year=2024 (last visited Mar. 21, 2025).
[23] *Id. See also* s. 420.0004(9), F.S.
[24] *Supra* note 22. *See also* s. 420.0004(17), F.S.
[25] *Supra* note 22. *See also* s. 420.0004(11), F.S.
[26] *Supra* note 22. *See also* s. 420.0004(12), F.S.

As of 2024, Florida had only 24 affordable and available rental units for every 100 extremely low-income renters.[27] In addition, there were little to no communities in Florida that could provide enough housing to support this group of renters, which is primarily made up of low-income workers, retirees, and people with disabilities.[28]

Florida Housing Finance Corporation

The Florida Housing Finance Corporation (Corporation) was created in 1997 as a public-private entity to assist in providing a range of affordable housing opportunities for Floridians.[29] The Corporation is held by the state and housed within the Department of Commerce (Department).[30] Additionally, the Corporation is a separate budget entity and its operations are not subject to control, supervision, or direction by the Department.[31]

The Corporation's mission is to increase the supply of safe, affordable housing for individuals and families in Florida.[32] The Corporation encourages the investment of private capital and facilitates public and private sector housing partnerships.[33] As a financial institution, the Corporation administers federal and state resources to finance the development and preservation of affordable rental housing and assist homebuyers with financing and down payments.[34]

The Corporation may prevent an applicant or an applicant's affiliate from participating in any of its programs under certain circumstances if the applicant or affiliate has:

- Made a material misrepresentation or engaged in fraudulent actions in connection with any Corporation program;
- Been convicted or found guilty of, or entered a plea of guilty or nolo contendere[35] to, a crime in any jurisdiction which directly relates to the financing, construction, or management of affordable housing or the fraudulent procurement of state or federal funds;
- Been excluded from any federal funding program related to providing housing, including debarment from participation in federal housing programs by the U.S. Department of Housing and Urban Development;
- Been excluded from any federal or Florida procurement programs;
- Offered or given consideration, other than the consideration to provide affordable housing, with respect to a local contribution;
- Demonstrated a pattern of noncompliance and a failure to correct any such noncompliance after notice from the Corporation in the construction, operation, or management of one or more developments funded through a Corporation program; or
- Materially or repeatedly violated any condition imposed by the corporation in connection with the administration of a corporation program, including a land use restriction agreement, an extended use agreement, or any other financing or regulatory agreement with the corporation.[36]

Land Use for Affordable Housing Development

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[27] *Supra* note 18, at p. 2.
[28] *Id.*
[29] *See* ch. 97-167, Laws of Fla.
[30] S. 420.504(1), F.S.
[31] S. 420.504(3), F.S.
[32] S. 420.502, F.S. *See also* Florida Housing Finance Corporation, *About Florida Housing*, https://www.floridahousing.org/about-florida-housing/ (last visited Mar. 21, 2025);
[33] S. 420.502, F.S. *See also* Office of Program Policy Analysis & Government Accountability, *Report No. 09-S15*: *Florida Housing Finance Corporation Overview*, The Florida Legislature Sunset Review, Jan. 2009, p. 1. https://oppaga.fl.gov/Documents/Reports/09-15S.pdf (last visited Mar. 21, 2025).
[34] *See* Florida Housing Finance Corporation, *About Florida Housing*, https://www.floridahousing.org/about-florida-housing/ (last visited Mar. 21, 2025).
[35] By entering a plea of nolo contendere, a defendant does not admit the allegations of the charge against him or her in a technical sense, but rather represents the defendant's unwillingness to contest the charge. *Grizzard v. State*, 881 So. 2d 673, at 676-677 (Fla. Dist. Ct. App. 2004). *See also, Vinson v. State*, 345 So.2d 711 (Fla.1977); *Kelly v. Dep't of Health & Rehab. Serv.*, 610 So.2d 1375 (Fla. 2d DCA 1992).
[36] S. 420.518(1), F.S.

All development, both public and private, and all development orders[37] approved by a local government must be consistent with the local government's comprehensive plan.[38] The Growth Management Act requires every county and municipality to create and implement a comprehensive plan to guide future development.[39] A comprehensive plan is intended to provide for the future use of land, which contemplates a gradual and ordered growth, and establishes a long-range maximum limit on the possible intensity of land use.

A locality's comprehensive plan lays out the locations for future public facilities, including roads, water and sewer facilities, neighborhoods, parks, schools, and commercial and industrial developments. A comprehensive plan is made up of 10 required elements, each laying out regulations for a different facet of development.[40]

The future land use element designates proposed future general distribution, location, and extent of the uses of land. Specified use designations include those for residential, commercial, industry, agriculture, recreation, conservation, education, and public facilities. The approximate acreage and the general range of density or intensity of use must be provided for each land use category.[41] The specific use and intensities for specific parcels are decided by a more detailed, implementing zoning map.[42]

The housing element sets forth guidelines and strategies for the creation and preservation of affordable housing for all current and anticipated future residents of the jurisdiction, elimination of substandard housing conditions, provision of adequate sites for future housing, and distribution of housing for a range of incomes and types.[43]

A comprehensive plan is implemented through the adoption of land development regulations[44] that are consistent with the plan and that contain specific and detailed provisions necessary to implement the plan.[45] Such regulations must, among other requirements, regulate the subdivision of land and the use of land for the land use categories in the land use element of the comprehensive plan.[46] Substantially affected persons have the right to maintain administrative actions that ensure land development regulations are implemented and consistent with the comprehensive plan.[47]

Development that does not conform to the comprehensive plan may not be approved by a local government unless the local government first amends its comprehensive plan. State law requires a proposed comprehensive plan amendment to receive two public hearings, the first held by the local planning board and subsequently by the governing board.[48] Following the hearings, the local government must transmit the plan to several statutorily identified reviewing agencies, including the Department of Commerce (Department), for review.[49] Most plan

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[37] "Development order" means any order granting, denying, or granting with conditions an application for a development permit. See s. 163.3164(15), F.S. "Development permit" includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land. See s. 163.3164(16), F.S.

[38] S. 163.3194(3), F.S.

[39] S. 163.3167(2), F.S.

[40] S. 163.3177(6), F.S. The 10 required elements include capital improvements; future land use plan; transportation; general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge; conservation; recreation and open space; housing; coastal management; intergovernmental coordination; and property rights. Throughout statutes exist plans and programs that may be added as optional elements.

[41] S. 163.3177(6)(a), F.S.

[42] Richard Grosso, A Guide to Development Order "Consistency" Challenges Under Florida Statutes Section 163.3215, 34 J. Envtl. L. & Litig. 129, 154 (2019) citing *Brevard Cty. v. Snyder*, 627 So. 2d 469, 475 (Fla. 1993).

[43] S. 163.3177(6)(f), F.S.

[44] "Land development regulations" means ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land, except that this definition does not apply in s. 163.3213. See s. 163.3164(26), F.S.

[45] S. 163.3202, F.S.

[46] *Id.*

[47] S. 163.3213, F.S.

[48] Ss. 163.3174(4)(a), F.S. and 163.3184, F.S.

[49] S. 163.3184, F.S.

amendments are placed into the expedited state review process, while plan amendments relating to large-scale developments are placed into the state coordinated review process.[50]

Live Local Act

The Live Local Act, which became law in 2023, preempts certain county and municipal zoning and land use decisions to encourage development of affordable multifamily rental housing in targeted land use areas.[51] Specifically, counties and municipalities must allow a multi-family or mixed-use residential[52] rental development in any area zoned for commercial, industrial, or mixed-use if at least 40 percent of the residential units in the development are rental units that, for a period of at least 30 years, meet certain affordability requirements.[53]

Local governments are prohibited from restricting the density[54] of qualifying developments below the highest currently allowed density[55] on land within its jurisdiction where residential development is allowed and may not restrict the height below the highest currently allowed height for a commercial or residential development in its jurisdiction within one mile of the proposed development or three stories, whichever is higher.[56] Local governments are also prohibited from restricting the floor area ratio of a proposed development below 150 percent of the highest currently allowed floor area ratio on land within its jurisdiction where residential development is allowed.[57]

An application for a development must be administratively approved, and no further action is required from the governing body of the local government, if the development satisfies the local government's land development regulations for multifamily in areas zoned for such use and is otherwise consistent with the jurisdiction's comprehensive plan, with the exception of provisions establishing density, floor area ratios, height, and land use requirements.[58]

A local government must consider reducing parking requirements for these developments if they are located within one-quarter mile of a transit stop, as the term is defined in the local government's land development code, and the transit stop is accessible from the development.[59]

These provisions do not apply to recreational and commercial working waterfronts in industrial areas.[60] Qualifying developments must comply with all other applicable state and local laws and regulations.[61]

These provisions are effective until October 1, 2033.[62]

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[50] *See* ss. 163.3184 and 380.06, F.S. In the Expedited State Review Process, DEO reviews and approves or amends the proposed comprehensive plan amendment. This process can take 4 to 6 months. The State Coordinated Review Process is a more thorough, complex, multi-phase process. For more information, *see* Florida Commerce, *Amendments that Must Follow the State Coordinated Review Process; Procedures and Timeframes*, https://floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/amendments-that-must-follow-the-state-coordinated-review-process-procedures-and-timeframes (last visited Mar. 21, 2025).

[51] Ch. 2023-17, ss. 3, 5, Laws of Fla., codified as ss. 125.01055(7), F.S. and 166.04151(7), F.S.

[52] For mixed-use residential, at least 65 percent of the total square footage must be used for residential purposes. Ss. 125.01055(7)(a) and 166.04151(7)(a), F.S.

[53] Ss. 125.01055(7)(a) and 166.04151(7)(a), F.S.

[54] "Density" means an objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre, *see* s. 163.3164(12), F.S.

[55] For purposes of the Live Local Act, "highest currently allowed density" does not include the density of any building that met the requirements of the Live Local Act or the density of any building that has received any bonus, variance, or other special exception for density provided in the local government's land development regulations as an incentive for development. Ss. 125.01055(7)(b) and 166.04151(7)(b), F.S.

[56] Ss. 125.01055(7)(b) and 166.04151(7)(b), F.S.

[57] Ss. 125.01055(7)(c) and 166.04151(7)(c), F.S.

[58] Ss. 125.01055(7)(e) and 166.04151(7)(e).

[59] Ss. 125.01055(7)(f) and 166.04151(7)(f).

[60] Ss. 125.01055(7)(k) and 166.04151(7)(k).

[61] Ss. 125.01055(7)(i) and 166.04151(7)(i).

[62] Ss. 125.01055(7)(l) and 166.04151(7)(l), F.S.

Ad Valorem Tax Exemption for Affordable Housing

The ad valorem tax or "property tax" is an annual tax levied by counties, municipalities, school districts, and some special districts. The tax is based on the taxable value of property as of January 1 of each year.[63] The property appraiser annually determines the "just value"[64] of property within the taxing jurisdiction and then applies relevant exclusions, assessment limitations, and exemptions to determine the property's "taxable value."[65] Tax bills are mailed in November of each year based on the previous January 1 valuation, and payment is due by March 31 of the following year.

The Florida Constitution prohibits the state from levying ad valorem taxes,[66] and it limits the Legislature's authority to provide for property valuations at less than just value, unless expressly authorized.[67]

Ad Valorem Tax Exemption for Newly Constructed Affordable Housing

The Live Local Act established a new ad valorem tax exemption for owners of newly constructed multifamily rental developments who use a portion of the development to provide affordable housing.[68] Eligible property includes units in a newly constructed multifamily development containing more than 70 units dedicated to housing natural persons or families below certain income thresholds.[69] However, units subject to an agreement with the Corporation are not eligible for the exemption.[70]

"Newly constructed" is defined as an improvement substantially completed within five years before the property owner's first application for a certification notice.[71] The units must be occupied by such individuals or families and rent limited so as to provide affordable housing at either the 80 or 120 percent AMI threshold.[72] Rent for such units may not exceed 90 percent of the fair market value of rent as determined by a rental market study.[73]

Qualified property used to provide affordable housing at the 80 to 120 percent AMI threshold receives an exemption of 75 percent of the assessed value of the affordable units, while such property providing affordable housing up to the 80 percent AMI threshold receives a complete ad valorem tax exemption for the affordable units.[74] When determining the value of a unit for purposes of applying an exemption, the property appraiser must include in such valuation the proportionate share of the residential common areas, including the land, fairly attributable to the unit.[75]

To receive this exemption, a property owner must apply by March 1 to the property appraiser, accompanied by a certification notice from the Corporation.[76] To receive the Corporation's certification, a property owner must submit a request on a form including the most recent market study, which must have been conducted by an

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[63] Both real property and tangible personal property are subject to tax. S. 192.001(12), F.S., defines "real property" as land, buildings, fixtures, and all other improvements to land. S. 192.001(11)(d), F.S., defines "tangible personal property" as all goods, chattels, and other articles of value capable of manual possession and whose chief value is intrinsic to the article itself.
[64] Property must be valued at "just value" for purposes of property taxation, unless the Florida Constitution provides otherwise. FLA. CONST. art VII, s. 4. Just value has been interpreted by the courts to mean the fair market value that a willing buyer would pay a willing seller for the property in an arm's-length transaction. *See Walter v. Shuler,* 176 So. 2d 81 (Fla. 1965); *Deltona Corp. v. Bailey*, 336 So. 2d 1163 (Fla. 1976); *Southern Bell Tel. & Tel. Co. v. Dade County,* 275 So. 2d 4 (Fla. 1973).
[65] *See* s. 192.001(2) and (16), F.S., F.S.
[66] FLA. CONST. art. VII, s. 1(a).
[67] *See* FLA. CONST. art. VII, s. 4.
[68] Ch. 2023-17, s. 8, Laws of Fla, codified as s. 196.1978(3), F.S.
[69] S. 196.1978(3)(b), F.S.
[70] S. 196.1978(3)(j), F.S.
[71] S. 196.1978(3)(a)2., F.S.
[72] S. 196.1978(3)(b)1., F.S.
[73] S. 196.1978(3)(b)3., F.S.
[74] S. 196.1978(3)(d)1., F.S.
[75] S. 196.1978(3)(d)2., F.S.
[76] S. 196.1978(3)(e), F.S.

independent certified general appraiser in the preceding three years, a list of units for which the exemption is sought, the rent amount received for each unit, and a sworn statement restricting the property for a period of not less than three years to provide affordable housing.[77]

The certification process is administered within the Corporation. The Corporation is responsible for publishing the deadline for submission, reviewing each request, sending certification notices to both the successful property owner and the appropriate property appraiser, and notifying unsuccessful property owners and providing reasons for the denial.[78]

This exemption first applied to the 2024 tax roll and will expire on December 31, 2059.

Local Option Affordable Housing Ad Valorem Exemption

The Live Local Act authorizes counties and municipalities to enact an ad valorem tax exemption for certain property used for providing affordable housing.[79]

Portions of property eligible for the exemption must be utilized to house persons or families meeting the extremely-low- limit[80] or with incomes between 30 to 60 percent of AMI, be contained in a multifamily project of at least 50 units where at least 20 percent are reserved for affordable housing, and have rent set such that it provides affordable housing to people in the target income bracket, or no higher than 90 percent of the fair market rent value as determined by a rental market study, whichever is less.[81]

Additionally, the property must not have been cited for code violations on three or more occasions in the preceding 24 months and must not have outstanding code violations or related fines.[82]

In adopting this exemption, a local government may choose to offer either or both an exemption for extremely-low-income (up to 30 percent AMI) and for incomes between 30 to 60 percent AMI targets. The value of the exemption is up to 75 percent of the assessed value of each unit if less than 100 percent of the multifamily project's units are used to provide affordable housing, or up to 100 percent of the assessed value if all of the project's units are used to provide affordable housing.[83]

[77] S. 196.1978(3)(f), F.S.
[78] S. 196.1978(3)(g), F.S.
[79] Ch. 2023-17, s. 9, Laws of Fla., codified as s. 196.1979, F.S.
[80] s. 420.0004(9), F.S.
[81] S. 196.1979(1)(a)1.-3., F.S.
[82] S. 196.1979(1)(a)4., F.S.
[83] S. 196.1979(1)(b), F.S.

An ordinance enacting such an exemption must:

- Be adopted under normal non-emergency procedures.
- Designate the local entity under the supervision of the governing body that must develop, receive, and review applications for certification and develop notices of determination of eligibility.
- Require the property owner to apply for certification on a form including the most recent market study, which must have been conducted by an independent certified general appraiser in the preceding three years; a list of units for which the exemption is sought; and the rent amount received for each unit.
- Require the designated entity to verify and certify the property as having met the requirements for the exemption, and notify unsuccessful applicants with the reasons for denial.
- Set out the requirements for each unit discussed above.
- Require the property owner to submit an application for exemption accompanied by certification to the property appraiser by March 1.
- Specify that such exemption only applies to taxes levied by the unit of government granting the exemption.
- Specify that the property may not receive such an exemption after the expiration of the ordinance granting the exemption.
- Identify the percentage of assessed value to be exempted, and whether such exemption applies to very-low-income, extremely-low-income, or both.
- Require that the deadline to submit an application and a list of certified properties be published on the local government's website.[84]

The ordinance must expire before the fourth January 1 after adoption; however, the local governing body may adopt a new ordinance renewing the exemption.[85]

If the property appraiser determines that such an exemption has been improperly granted within the last 10 years, the property appraiser must serve the owner with a notice of intent to record a tax lien. Such property will be subject to the taxes improperly exempted, plus a penalty of 50 percent and 15 percent annual interest. Penalty and interest amounts do not apply to exemptions erroneously granted due to clerical mistake or omission by the property appraiser.[86]

Accessory Dwelling Units

The Legislature has taken measures in recent years to address Florida's need for more affordable housing.[87] One of those measures included encouraging the construction of accessory dwelling units (ADUs) in single-family residential areas to increase the availability of affordable rentals.

An ADU is 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.[88] ADUs can go by many different names such as "carriage house," "mother-in-law suite," or "coach house," and are quite common throughout the United States.[89]

ADUs offer benefits to both individual homeowners and the wider communities where they exist.[90] For individuals, ADUs:

- Allow families to provide care to aging or disabled relatives, while still providing those relatives some independence.
- Provide young adults an affordable housing option as a first step after college.
- May be a source of rental income to the landowner.[91]

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[84] S. 196.1979(3), F.S.
[85] S. 196.1979(5), F.S.
[86] S. 196.1979(6), F.S.
[87] *See* chs. 2023-17, and 2024-188, Laws of Fla.
[88] S. 163.31771(2)(a), F.S.
[89] City of Tallahassee: Growth Management Department, *Zoning Spotlight: Accessory Dwelling Units*, March 2024, p. 1. https://www.talgov.com/uploads/public/documents/growth/zoning_spot_231010.pdf (last visited Mar. 21, 2025).
[90] *Id.*

For the wider community, ADUs:

- Are a more affordable housing alternative compared to a single-family residence or apartment unit with costly neighborhood and amenity fees.
- Create diverse neighborhoods with a variety of residents of different ages and backgrounds.[92]

Under current law, local governments in Florida are authorized – but not required – to adopt ordinances that allows ADUs in any area zoned for single-family residential use.[93] An application for a permit to construct an ADU must be accompanied by an affidavit from the applicant in which the applicant attests that the unit will be rented at an affordable rate to extremely-low-income, very-low-income, low-income, or moderate-income persons.[94]

Impact Fees

Impact fees are a type of regulatory fee "imposed by local governments against new development to provide for capital facilities' costs made necessary by population growth. Rather than imposing the costs of these additional capital facilities upon the general public, the purpose of impact fees is to shift the expense burden to newcomers."[95] Examples of capital facilities include the provision of additional water and sewer systems, schools, libraries, parks and recreation facilities.[96] Impact fees are typically assessed using a fee schedule that sets forth the charge per type of dwelling unit or per square footage of floor space.[97] The charges are usually paid at the time the building permit is approved.[98]

The Florida Impact Fee Act (Act) provides requirements and procedures to be followed by a county, municipality, or special district when it adopts an impact fee.[99] These requirements include basing an impact fee's calculation on recent and localized data and detailed accounting and reporting of collections and expenditures.[100]

Under the Act, a local government, school district, or special district may increase an impact fee rate beyond certain phase-in limitations[101] by establishing the need for the increase, provided the following criteria are met:

- A demonstrated-need study justifying any increase in excess of those authorized by the Act has been completed within the 12 months before the adoption of the impact fee increase and expressly demonstrates the extraordinary circumstances necessitating the need to exceed the phase-in limitations.
- The local government jurisdiction has held not less than two publicly noticed workshops dedicated to the extraordinary circumstances necessitating the need to exceed the phase-in limitations set forth in the Act.
- The impact fee increase ordinance is approved by at least a two-thirds vote of the governing body.[102]

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[91] *Id.*
[92] *Id.*
[93] S. 163.31771(3), F.S.
[94] S. 163.31771(4), F.S.
[95] Florida's Office of Economic and Demographic Research, *Local Government Financial Information Handbook* (Nov. 2016), p. 13, https://edr.state.fl.us/Content/local-government/reports/lgfih16.pdf (last visited Mar. 21, 2025).
[96] Florida Housing Finance Corporation, *Overview of Impact Fees and Affordable Housing* (Oct. 2017), p. 1, https://www.floridahousing.org/docs/default-source/aboutflorida/august2017/october2017/TAB_3.pdf (last visited Mar. 21, 2025).
[97] *Id.*
[98] *Id.*
[99] S. 163.31801, F.S.
[100] *Supra* note 95, p. 1.
[101] For purposes of this section in the Act, the phase-in limitations include the following:

- An increase to a current impact fee rate of not more than 25 percent of the current rate must be implemented in two equal annual increments beginning with the date on which the increased fee is adopted.
- An increase to a current impact fee rate which exceeds 25 percent but is not more than 50 percent of the current rate must be implemented in four equal installments beginning with the date the increased fee is adopted.
- An impact fee increase may not exceed 50 percent of the current impact fee rate.
- An impact fee may not be increased more than once every 4 years. S. 163.31801(6)(b)–(e), F.S.

[102] S. 163.31801(6)(g), F.S.

Growth Policy Act

Under Florida's Growth Policy Act, a local government may designate a geographic area within its jurisdiction as an urban infill and redevelopment area for the purpose of targeting economic development, job creation, housing, transportation, crime prevention, neighborhood revitalization and preservation, and land use incentives to encourage urban infill and redevelopment within the urban core.[103] As part of the preparation and implementation of an urban infill and redevelopment plan, a collaborative community participation process must be implemented to include each neighborhood within the area targeted for designation as an urban infill and redevelopment area.[104]

Under current law, for a local government to designate an urban infill and redevelopment area, it must amend its comprehensive land use plan to delineate the boundaries of the urban infill and redevelopment area within the future land use element of its comprehensive plan pursuant to its adopted urban infill and redevelopment plan.[105]

After the preparation of an urban infill and redevelopment plan or designation of an existing plan, the local government must adopt the plan by ordinance. Notice for the public hearing on the ordinance must be in the form established in s. 166.041(3)(c)2., F.S., for municipalities, and s. 125.66(5)(b)2., F.S., for counties.[106]

Florida's Homestead Exemption

Property owners in Florida may be eligible for exemptions and additional benefits that can reduce their property tax liability.[107] When someone owns property and makes it his or her permanent residence or the permanent residence of his or her dependent, the property may be eligible to receive a homestead exemption up to $50,000.[108] The first $25,000 applies to all property taxes, including school district taxes.[109] The additional exemption up to $25,000 applies to the assessed value between $50,000 and $75,000 and only to non-school taxes.[110]

Under current law, if a property owner that qualifies for the homestead tax exemption rents their home to a tenant, the property could be considered abandoned which could cause the property owner to lose the exemption.[111] However, the abandonment of a homestead after January 1 of any year does not affect the homestead exemption for tax purposes for that particular year unless the property is rented for more than 30 days per calendar year for 2 consecutive years.[112]

District School Boards

Under Florida law, a district school board may use portions of school sites purchased within the guidelines of the State Requirements for Educational Facilities,[113] land deemed not usable for educational purposes because of

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[103] S. 163.2517(1), F.S.
[104] S. 163.2517(2)(a), F.S.
[105] S. 163.2517(4), F.S.
[106] S. 163.2517(5), F.S.
[107] Department of Revenue, *Property Tax Exemptions and Additional Benefits*, https://floridarevenue.com/property/Pages/Taxpayers_Exemptions.aspx#:~:text=When%20someone%20owns%20property%20and,by%20as%20much%20as%20%2450%2C000. (last visited Mar. 21, 2025).
[108] Department of Revenue, *Property Tax Information for Homestead Exemption* (Aug. 2024), https://floridarevenue.com/property/Documents/pt113.pdf (last visited Mar. 21, 2025). *See also* s. 196.031, F.S.
[109] Department of Revenue, *Property Tax Information for Homestead Exemption* (Aug. 2024), https://floridarevenue.com/property/Documents/pt113.pdf (last visited Mar. 21, 2025). *See also* s. 196.031, F.S.
[110] Department of Revenue, *Property Tax Information for Homestead Exemption* (Aug. 2024), https://floridarevenue.com/property/Documents/pt113.pdf (last visited Mar. 21, 2025). *See also* s. 196.031, F.S.
[111] The rental of all or substantially all of a dwelling previously claimed to be a homestead for tax purposes shall constitute the abandonment of such dwelling as a homestead, and the abandonment continues until the dwelling is physically occupied by the owner. S. 196.061(1), F.S.
[112] *Id.*
[113] The State Requirements for Educational Facilities (SREF) are part of the Florida Building Code. SREF requirements apply to construction, renovation, and remodeling of public educational facilities owned by district school boards and Florida College

location or other factors, or land declared as surplus by the board to provide sites for affordable housing for teachers and other district personnel and, in areas of critical state concern, for other essential services personnel as defined by local affordable housing eligibility requirements, independently or in conjunction with other local governments and planning authorities.[114]

Prohibited Discrimination in Land Use and Permitting Decisions

Florida law makes it unlawful to discriminate in land use decisions or in the permitting of development, based on race, color, national origin, sex, disability, familial status, religious, or except as otherwise provided by law, the source of financing of a development or proposed development.[115] Currently, the state has not waived sovereign immunity for itself and its agencies and political subdivisions for causes of action based on these provisions.

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2023	CS/CS/HB 627	Busatta, Lopez, V.	Calatayud	Approved by the Governor. Created the Live Local Act.
2024	CS/CS/HB 1239	Lopez, V.	Calatayud	Approved by the Governor. Made certain changes to the Live Local Act.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Housing, Agriculture & Tourism Subcommittee			Curtin	Fletcher
Intergovernmental Affairs Subcommittee				
Civil Justice & Claims Subcommittee				
Commerce Committee				

System boards of trustees. *See* Florida Legislature Office of Program Policy Analysis and Government Accountability, *The State Requirements for Educational Facilities Should Be Retained; Some Modifications Could Be Made* (Jan. 2017), Report No. 17-04, at p. 1, https://fsba.org/wp-content/uploads/2016/02/OPPAGA-SREF-Report-1-31-17.pdf (last visited Mar. 21, 2025). *See also* Florida Department of Education, *State Requirements for Educational Facilities* (Nov. 4, 2014), https://www.fldoe.org/core/fileparse.php/7738/urlt/srefrule14.pdf (last visited Mar. 21, 2025).

[114] S. 1001.43(12), F.S.

[115] S. 760.26, F.S.

A bill to be entitled

An act relating to real property and land use and development; amending ss. 125.01055 and 166.04151, F.S.; requiring the board of county commissioners and the governing body of a municipality, respectively, to approve the development of affordable housing on a parcel owned by a religious institution if certain requirements are met; requiring the board of county commissioners and the governing body of a municipality, respectively, to approve the development of housing that is affordable; providing definitions; requiring counties and municipalities, respectively, to authorize multifamily and mixed-use residential as allowable uses on sites owned by specified entities and in planned unit developments for specified use, if certain conditions are met; requiring counties and municipalities, respectively, to include adjacent land as part of multifamily development, regardless of land use designation, if certain conditions are met; prohibiting counties and municipalities, respectively, from requiring a proposed mixed-use residential development to obtain certain amendments; prohibiting counties and municipalities, respectively, from requiring more than a certain percentage of total square footage to be used for specified purposes;

requiring a specified definition of areas zoned for mixed use; providing that certain affordable or workforce units also qualify as affordable housing; prohibiting counties and municipalities, respectively, from restricting the density of a proposed multifamily or mixed-use residential development below the highest density on or after a specified date; prohibiting counties and municipalities, respectively, from restricting the maximum lot size of a proposed multifamily or mixed-use residential development below the highest maximum lot size on or after a specified date; prohibiting counties and municipalities, respectively, from restricting the floor area ratio of a proposed multifamily or mixed-use residential development below a certain percentage allowed on or after a specified date; prohibiting counties and municipalities, respectively, from restricting the height of a proposed multifamily or mixed-use residential development below the highest height on or after a specified date; revising the ability of counties and municipalities, respectively, to restrict the height of multifamily or mixed-use residential developments that are adjacent specified parcels to the highest height allowed on or after a specified date; requiring administrative approval of proposed

multifamily or mixed-use residential developments without a public hearing in certain instances; prohibiting counties and municipalities, respectively, from initiating or enforcing zoning-in-progress or building moratoriums in certain instances; requiring counties and municipalities, respectively, to maintain on its website a specified policy; requiring a county and municipality, respectively, to reduce certain parking requirements by a specified percentage; requiring counties and municipalities, respectively, to approve, within a specified time frame, building permit plan review for proposed developments; providing for the awarding of attorney fees and costs under certain conditions; providing that if a county or municipality, respectively, adopts an ordinance or resolution, or makes any other decision, after a specified date having certain listed effects, the ordinance, resolution, or decision is deemed preempted; preempting the regulation of affordable housing to the state; providing that the administrative review process of a site plan filed with a county or municipality, respectively, must be based on land development regulations in effect as of the date of filing the application; requiring courts to expedite proceedings and render an order within a

specified timeframe if an action is filed against a local government based on preemption grounds; requiring notice of appeal to be filed and served within a specified timeframe from such judgment; requiring the Supreme Court to adopt rules by a specified date for such expedited proceedings; prohibiting counties and municipalities, respectively, from conditioning review or approval of applications for development permits or orders on the waiver, forbearance, or abandonment of any development right; deeming such actions to be void; providing certain reporting requirements beginning on a specified date; providing reporting requirements; prohibiting the imposition of a building moratorium under certain circumstances; providing that certain property owners have a cause of action; authorizing a court to provide specified relief, costs, and fees; providing a maximum award; providing that certain property owners have specified rights; amending s. 163.31801, F.S.; requiring an exception or waiver for a specified percentage of the impact fees for certain developments; amending s. 166.041, F.S.; revising procedures to require that resolutions with certain subjects be based on a certain finding by the governing body for adoption of such resolutions;

amending s. 163.2517, F.S.; requiring that proposed urban infill developments be administratively approved, notwithstanding any ordinance to the contrary before a specified date; amending s. 163.3164, F.S.; revising the definition of the terms "compatibility" and "urban service area"; amending s. 163.3177, F.S.; revising considerations when creating a comprehensive plan; revising future land use considerations for urban sprawl; amending s. 163.3167, F.S.; revising the scope of the Community Planning Act; amending s. 163.31771, F.S.; defining the term "department"; requiring local governments to adopt ordinances as they relate to accessory dwelling units; prohibiting local governments from increasing costs of construction of accessory dwelling units; providing exceptions; requiring local governments to submit annual reports beginning on a specified date to the Department of Commerce and post such reports on the local governments' website; requiring the department to post a summary of the reports on its website; providing requirements for the reports; authorizing the department to adopt rules; prohibiting an owner of property with an accessory dwelling unit from being denied a homestead exemption or homestead property assessment limitation solely on the basis of the

property containing an accessory dwelling unit; establishing requirements for homestead purposes if an accessory dwelling unit is rented by the property owner; requiring an accessory dwelling unit that is not rented to be considered part of homestead property; amending s. 196.1979, F.S.; authorizing the board of county commissioners or the governing body of a municipality to exempt specified portions of property within multifamily projects and accessory dwelling units used to provide affordable housing; revising ad valorem property tax exemption provisions for accessory dwelling units; amending s. 333.03, F.S.; revising applicability for certain proposed developments; defining the term "commercial service airport"; amending s. 420.50871, F.S.; expanding the scope of financing of affordable housing projects to include certain housing; creating s. 702.13, F.S.; providing definitions; authorizing the filing of motions to determine whether residential real property is abandoned real property; requiring certain documentation to be filed with such motions; requiring the trial court to set a hearing on such motions within a certain time frame; providing notice requirements; requiring the court to render a declaratory judgment upon certain findings and

immediately proceed to a foreclosure trial; requiring the court to enter a judgment of foreclosure and schedule a public sale of the abandoned real property upon certain findings; prohibiting the court from entering a declaratory judgment in certain instances; requiring the court to rescind its orders in certain instances; providing applicability; amending s. 760.26, F.S.; prohibiting discrimination in land use decisions and in permitting of development based on a development or proposed development being affordable housing; providing for waiver of sovereign immunity; limiting such waiver; providing a remedy; providing applicability; amending s. 479.01, F.S.; conforming a cross-reference; amending s. 1001.43, F.S.; requiring district school boards to exercise specified supplemental powers and duties as it related to affordable housing; providing an effective date.

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

Section 1. Subsections (6), (7), and (8) of section 125.01055, Florida Statutes, are amended, and subsections (9) through (12) are added to that section, to read:

125.01055 Affordable housing.—

(6)(a) 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 if~~, so long as~~ at least 10 percent of the units included in the project are for housing that is affordable.

(b) The board of county commissioners shall approve the development of housing that is affordable if the following requirements are met:

1. The owner of the parcel is a religious institution as defined in s. 170.201(2).

2. At least 40 percent of the residential units included in the development are for housing that is affordable and the project has an affordability period of at least 30 years.

3. The parcel is not located within 500 feet of a military installation, as identified in s. 163.3175(2), or within a commercial service airport as defined in s. 332.0075(1).

4. State and local laws and regulations, other than land use or zoning regulations, apply to the parcel.

(c) ~~The provisions of~~ This subsection is ~~are~~ self-executing and does ~~do~~ not require the board of county commissioners to adopt an ordinance or a regulation before using the approval process in this subsection.

(7)(a) As used in this subsection, regardless of

terminology used in a county's land development regulations, the term:

1. "Allowable use" means the intended uses identified in a county's land development regulations which are authorized within a zoning category as a use by right, without the requirement to obtain a variance or waiver. The term does not include uses that are accessory, ancillary, or incidental to the allowable uses or allowed only on a temporary basis.

2. "Commercial use" means activities associated with the sale, rental, or distribution of products or the sale or performance of services. The term includes, but is not limited to, retail, office, entertainment, and other for-profit business activities.

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

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

(b)1.~~(a)~~ Notwithstanding any other law, local ordinance, or regulation to the contrary, including any local moratorium established after March 29, 2023, a county must authorize multifamily and mixed-use residential as allowable uses on any site owned by the county, a district school board, a religious institution as defined in s. 170.201(2), and in any area zoned for commercial, industrial, or mixed use, any planned unit

development permitted for commercial, industrial, or mixed use, or any zoning district not zoned solely for use as a single-family home or duplex, if at least 40 percent of the residential units in a proposed multifamily or mixed-use residential development are rental units that, for a period of at least 30 years, are affordable as defined in s. 420.0004(3) ~~s. 420.0004~~. A county shall authorize the inclusion of an adjacent parcel of land as part of the multifamily development, regardless of the land use designation of the adjacent parcel, if the residential units to be built on the adjacent parcel comply with the requirements of this subsection.

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

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

4. Notwithstanding any local land development regulation

categorization or title, areas zoned for mixed use shall be defined as areas that include both residential and nonresidential uses, regardless of whether the residential or nonresidential uses are permitted as principal use, conditional use, ancillary use, special use, unusual use, accessory use, planned unit development, or planned development. Nonresidential use includes, but is not limited to, retail, office, hotel, lodging, civic, institutional, parking, utilities, or other commercial uses.

5. Affordable or workforce units that receive any incentive under subsection (4) also qualify as affordable under this subsection as long as the units satisfy the requirements of s. 420.0004 and the local regulations.

(c) ~~(b)~~ A county may not directly restrict or have the effect of restricting the density of a proposed multifamily or mixed-use residential development authorized under this subsection below the highest ~~currently allowed~~ density allowed on or after July 1, 2023, on any unincorporated land in the county where residential development is allowed under the county's land development regulations. For purposes of this paragraph, the term "highest ~~currently allowed~~ density" does not include the density of any building that met the requirements of this subsection or the density of any building that has received any bonus, variance, or other special exception for density provided in the county's land development regulations as an

incentive for development.

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

(e) ~~(c)~~ A county may not directly restrict or have the effect of restricting the floor area ratio of a proposed multifamily or mixed-use residential development authorized under this subsection below 150 percent of the highest ~~currently allowed~~ floor area ratio allowed on or after July 1, 2023, on any unincorporated land in the county where development is allowed under the county's land development regulations. For purposes of this paragraph, the term "highest ~~currently allowed~~ floor area ratio" does not include the floor area ratio of any building that met the requirements of this subsection or the floor area ratio of any building that has received any bonus, variance, or other special exception for floor area ratio provided in the county's land development regulations as an incentive for development. For purposes of this subsection, the

term "floor area ratio" includes floor lot ratio.

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

2. If the proposed multifamily or mixed-use residential development is adjacent to, on two or more sides, a parcel zoned for single-family residential use which is within a single-family residential development with at least 25 contiguous single-family homes, the county may restrict the height of the proposed development to 150 percent of the tallest building on any property adjacent to the proposed development, the highest ~~currently allowed~~ height allowed on or after July 1, 2023, for the property provided in the county's land development regulations, or 3 stories, whichever is higher. For the purposes of this paragraph, the term "adjacent to" means those properties

sharing more than one point of a property line, but does not include properties separated by a public road.

(g)1.~~(e)~~ A proposed multifamily or mixed-use residential development authorized under this subsection must be administratively approved and ~~no~~ further action by the board of county commissioners or any quasi-judicial board of the reviewing body is not authorized ~~required~~ if the development satisfies the county's land development regulations for multifamily and mixed-use residential developments in areas zoned for such use, density, intensity, and height, and is otherwise consistent with the comprehensive plan, with the exception of provisions establishing allowable densities, floor area ratios, height, and land use, including mixed use and minimum nonresidential or commercial floor area requirements. The removal or demolition of an existing structure to be performed as part of the proposed development must also be administratively approved. Such land development regulations include, but are not limited to, regulations relating to setbacks and parking requirements.

2. A county may not initiate or enforce zoning-in-progress or a building moratorium on a proposed development that is subject to this subsection and for which the county has approved the development's preliminary site plan.

3. A proposed development located within one-quarter mile of a military installation identified in s. 163.3175(2) may not

be administratively approved.

4. Each county shall maintain on its website a policy containing the zoning map and zoning regulations in effect on July 1, 2023, and the procedures and expectations for administrative approval pursuant to this subsection.

(h) ~~(f)~~1. A county must reduce ~~consider reducing~~ parking requirements by at least 20 percent for a proposed development authorized under this subsection, or by 100 percent for structures that are 20,000 square feet or less ~~if the development is located within one-quarter mile of a transit stop, as defined in the county's land development code, and the transit stop is accessible from the development~~.

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

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

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

in parking requirements.

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

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

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

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

otherwise agreed to by the county and the applicant for the development.

~~(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.~~

(k)~~(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.

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

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

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

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

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

(o) If a county adopts an ordinance or resolution, or makes any other decision, and such ordinance, resolution, or decision has the effect, either directly or indirectly, of:

a. Limiting the height, floor area ratio, or density of a project under this section;

b. Unreasonably delaying the development or construction of a project under this section, including, but not limited to, imposing a moratorium;

c. Restricting the manner in which affordable units are developed or accessed within a project or regulating the types of units in the project; or

d. Restricting or limiting a project under this section in any other way,

then such ordinance, resolution, or decision shall be deemed preempted. If a property owner files a site plan application under this section with a county, the administrative review

process must be based only on the land development regulations in effect as of the date of filing the application.

(p) The regulation of affordable housing under this subsection is expressly preempted to the state. This subsection supersedes any local government ordinances, resolutions, or any other local regulations, including local moratoriums, on matters covered under this subsection.

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

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

(8) Any development authorized under paragraph (7)(b) ~~(7)(a)~~ must be treated as a conforming use even after the expiration of subsection (7) and the development's affordability period as provided in paragraph (7)(b) ~~(7)(a)~~, notwithstanding the county's comprehensive plan, future land use designation, or zoning. If at any point during the development's affordability period the development violates the affordability period

requirement provided in paragraph (7)(b) ~~(7)(a)~~, the development must be allowed a reasonable time to cure such violation. If the violation is not cured within a reasonable time, the development must be treated as a nonconforming use.

(9) A county's review or approval of an application for a development permit or development order may not be conditioned on the waiver, forbearance, or abandonment of any development right authorized by this section. Any such waiver, forbearance, or abandonment is void.

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

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

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

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

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

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

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

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

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

(b) The property owner of a multifamily project described in paragraph (a), which is adversely affected by a building moratorium imposed in violation of this subsection, has a cause of action against the county. If the court finds that a county has violated this subsection, it may provide injunctive relief, compensatory damages, and reasonable attorney fees and costs, not to exceed $100,000, to a prevailing plaintiff. For purposes of this paragraph, the term "reasonable attorney fees and costs" means the reasonable and necessary attorney fees and costs incurred for all preparations, motions, hearings, trials, and appeals in a proceeding. The term does not include any attorney fees or costs directly incurred by or associated with litigation to determine an award of reasonable attorney fees or costs.

(12) If the owner of an administratively approved proposed development has acted in reliance on that approval, the owner has a vested right to proceed with development under the

relevant laws, regulations, and ordinances at the time such rights vested, if the property continues to comply with the requirements of this section.

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

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

(11)(a) A county, municipality, or special district may provide an exception or waiver for an impact fee for the development or construction of housing that is affordable, as defined in s. 420.9071. If a county, municipality, or special district provides such an exception or waiver, it is not required to use any revenues to offset the impact.

(b) Qualified developments authorized pursuant to s. 125.01055 or s. 166.04151 shall receive an exception or waiver for 20 percent of the impact fees for the development of, or construction of the portion of the development that is, affordable housing.

Section 3. Subsection (2) of section 166.041, Florida Statutes, is amended to read:

166.041 Procedures for adoption of ordinances and resolutions.—

(2)(a) Each ordinance or resolution shall be introduced in writing and shall embrace but one subject and matters properly connected therewith. The subject shall be clearly stated in the

title. No ordinance shall be revised or amended by reference to its title only. Ordinances to revise or amend shall set out in full the revised or amended act or section or subsection or paragraph of a section or subsection.

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

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

166.04151 Affordable housing.—

(6)(a) 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 if~~, so long as~~ at least 10 percent of the units included in the project are for housing that is affordable.

(b) The governing body shall approve the development of

housing that is affordable if the following requirements are met:

1. The owner of the parcel is a religious institution as defined in s. 170.201(2).

2. At least 40 percent of the residential units included in the development are for housing that is affordable and the project has an affordability period of at least 30 years.

3. The parcel is not located within 500 feet of a military installation, as identified in s. 163.3175(2), or within a commercial service airport as defined in s. 332.0075(1).

4. State and local laws and regulations, other than land use or zoning regulations, apply to the parcel.

(c) ~~The provisions of~~ This subsection is ~~are~~ self-executing and does ~~do~~ not require the governing body to adopt an ordinance or a regulation before using the approval process in this subsection.

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

1. "Allowable use" means the intended uses identified in a municipality's land development regulations which are authorized within a zoning category as a use by right, without the requirement to obtain a variance or waiver. The term does not include uses that are accessory, ancillary, or incidental to the allowable uses or allowed only on a temporary basis.

2. "Commercial use" means activities associated with the sale, rental, or distribution of products or the sale or performance of services. The term includes, but is not limited to, retail, office, entertainment, and other for-profit business activities.

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

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

(b)1.~~(a)~~ Notwithstanding any other law, local ordinance, or regulation to the contrary, including any local moratorium established after March 29, 2023, a municipality must authorize multifamily and mixed-use residential as allowable uses on any site owned by the municipality, a district school board, a religious institution as defined in s. 170.201(2), and in any area zoned for commercial, industrial, or mixed use, any planned unit development permitted for commercial, industrial, or mixed use, or in any zoning district not zoned solely for use as a single-family home or duplex, if at least 40 percent of the residential units in a proposed multifamily or mixed-use residential development are rental units that, for a period of at least 30 years, are affordable as defined in s. 420.0004(3) ~~s. 420.0004~~. A municipality shall authorize the inclusion of an adjacent parcel of land as part of the multifamily development,

regardless of the land use designation of the adjacent parcel, if the residential units to be built on the adjacent parcel comply with the requirements of this subsection.

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

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

4. Notwithstanding any local land development regulation categorization or title, areas zoned for mixed use shall be defined as areas that include both residential and nonresidential uses, regardless of whether the residential or nonresidential uses are permitted as principal use, conditional use, ancillary use, special use, unusual use, accessory use, planned unit development, or planned development. Nonresidential use includes, but is not limited to, retail, office, hotel, lodging, civic, institutional, parking, utilities, or other

commercial uses.

5. Affordable or workforce units that receive any incentive under subsection (4) also qualify as affordable under this subsection as long as the units satisfy the requirements of s. 420.0004 and the local regulations.

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

(d) A municipality may not directly restrict or have the effect of restricting the maximum lot size of a proposed multifamily or mixed-use residential development authorized under this paragraph below the highest maximum lot size allowed on or after July 1, 2023, on any unincorporated land in the municipality where multifamily or mixed-use residential development is allowed pursuant to the municipality's land

development regulations. A municipality may not restrict the maximum lot coverage of a proposed multifamily or mixed-use residential development authorized under this paragraph below 70 percent.

(e) ~~(c)~~ A municipality may not directly restrict or have the effect of restricting the floor area ratio of a proposed multifamily or mixed-use residential development authorized under this subsection below 150 percent of the highest ~~currently allowed~~ floor area ratio allowed on or after July 1, 2023, on any land in the municipality where development is allowed under the municipality's land development regulations. For purposes of this paragraph, the term "highest ~~currently allowed~~ floor area ratio" does not include the floor area ratio of any building that met the requirements of this subsection or the floor area ratio of any building that has received any bonus, variance, or other special exception for floor area ratio provided in the municipality's land development regulations as an incentive for development. For purposes of this subsection, the term "floor area ratio" includes floor lot ratio.

(f) ~~(d)~~ 1. A municipality may not directly restrict or have the effect of restricting the height of a proposed multifamily or mixed-use residential development authorized under this subsection below the highest ~~currently allowed~~ height allowed on or after July 1, 2023, for a commercial or residential building located in its jurisdiction within 1 mile of the proposed

development or 3 stories, whichever is higher. For purposes of this paragraph, the term "highest ~~currently allowed~~ height" does not include the height of any building that met the requirements of this subsection or the height of any building that has received any bonus, variance, or other special exception for height provided in the municipality's land development regulations as an incentive for development.

2. If the proposed multifamily or mixed-use residential development is adjacent to, on two or more sides, a parcel zoned for single-family residential use that is within a single-family residential development with at least 25 contiguous single-family homes, the municipality may restrict the height of the proposed development to 150 percent of the tallest building on any property adjacent to the proposed development, the highest ~~currently allowed~~ height allowed on or after July 1, 2023, for the property provided in the municipality's land development regulations, or 3 stories, whichever is higher. For the purposes of this paragraph, the term "adjacent to" means those properties sharing more than one point of a property line, but does not include properties separated by a public road.

(g)1.~~(c)~~ A proposed multifamily or mixed-use residential development authorized under this subsection must be administratively approved and public hearings or ~~no~~ further action by the governing body of the municipality or any quasi-judicial board of the reviewing body is not authorized ~~required~~

if the development satisfies the municipality's land development regulations for multifamily and mixed-use residential developments in areas zoned for such use, density, intensity, and height, and is otherwise consistent with the comprehensive plan, with the exception of provisions establishing allowable densities, floor area ratios, height, and land use, including mixed use and minimum nonresidential or commercial floor area requirements. The removal or demolition of an existing structure to be performed as part of the proposed development must also be administratively approved. ~~Such land development regulations include, but are not limited to, regulations relating to setbacks and parking requirements.~~

2. A municipality may not initiate or enforce zoning-in-progress or a building moratorium on a proposed development that is subject to this subsection and for which the municipality has approved the development's preliminary site plan.

3. A proposed development located within one-quarter mile of a military installation identified in s. 163.3175(2) may not be administratively approved.

4. Each municipality shall maintain on its website a policy containing the zoning map and zoning regulations in effect on July 1, 2023, and the procedures and expectations for administrative approval pursuant to this subsection.

(h) ~~(f)~~1. A municipality must reduce ~~consider reducing~~ parking requirements by at least 20 percent for a proposed

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

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

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

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

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

4. For purposes of this paragraph, the term "major

transportation hub" means any transit station, whether bus, train, or light rail, which is served by public transit with a mix of other transportation options.

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

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

~~(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.~~

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

requirements in this subsection.

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

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

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

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

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

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

(o) After July 1, 2023, if a municipality adopts an

ordinance or resolution, or makes any other decision, and such ordinance, resolution, or decision has the effect, either directly or indirectly, of:

a. Limiting the height, floor area ratio, or density of a project under this section;

b. Unreasonably delaying the development or construction of a project under this section, including, but not limited to, imposing a moratorium;

c. Restricting the manner in which affordable units are developed or accessed within a project or regulating the types of units in the project; or

d. Restricting or limiting a project under this section in any other way,

then such ordinance, resolution, or decision shall be deemed preempted. If a property owner files a site plan application under this section with a municipality, the administrative review process must be based only on the land development regulations in effect as of the date of filing the application.

(p) The regulation of affordable housing under this subsection is expressly preempted to the state. This subsection supersedes any local government ordinances, resolutions, or any other local regulations, including local moratoriums, on matters covered under this subsection.

(q) If an action is filed against a local government to

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

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

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

(9) A municipality's review or approval of an application for a development permit or development order may not be conditioned on the waiver, forbearance, or abandonment of any development right authorized by this section. Any such waiver,

forbearance, or abandonment is void.

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

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

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

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

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

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

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

2. Any grant loan or other incentive provided for the

development of affordable housing under chapter 420.

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

(b) The property owner of a multifamily project described in paragraph (a), which is adversely affected by a building moratorium imposed in violation of this subsection, has a cause of action against the municipality. If the court finds that a municipality has violated this subsection, it may provide injunctive relief, compensatory damages, and reasonable attorney fees and costs, not to exceed $100,000, to a prevailing plaintiff. For purposes of this paragraph, the term "reasonable attorney fees and costs" means the reasonable and necessary attorney fees and costs incurred for all preparations, motions, hearings, trials, and appeals in a proceeding. The term does not include any attorney fees or costs directly incurred by or associated with litigation to determine an award of reasonable attorney fees or costs.

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

Section 5. Subsection (7) is added to section 163.2517, Florida Statutes, to read:

163.2517 Designation of urban infill and redevelopment area.—

(7) Notwithstanding any ordinance to the contrary existing on July 1, 2025, a proposed urban infill development must be administratively approved, and a comprehensive plan amendment, rezoning, or variance is not required.

Section 6. Subsections (9) and (53) of section 163.3164, Florida Statutes, are amended to read:

163.3164 Community Planning Act; definitions.—As used in this act:

(9) "Compatibility" means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. All residential land use categories are deemed to be compatible with each other.

(53) "Urban service area" means areas in which ~~identified in the comprehensive plan where~~ public facilities and services, including, but not limited to, central water and sewer capacity and roads, are already in place or may be expanded by the ~~are identified in the capital improvements element. The term includes any areas identified in the comprehensive plan as urban service areas, regardless of~~ local government or the private sector as evidenced by an executed agreement with the local government to provide urban services within the local

government's 20-year planning period ~~limitation~~.

Section 7. Subsection (2) and paragraph (a) of subsection (6) of section 163.3177, Florida Statutes, are amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(2) Coordination of the required and optional ~~several~~ elements of the local comprehensive plan must ~~shall~~ be a major objective of the planning process. The required and optional ~~several~~ elements of the comprehensive plan must ~~shall~~ be consistent. Optional elements of the comprehensive plan may not contain policies that restrict the density or intensity established in the future land use element. Where data is relevant to required and optional ~~several~~ elements, consistent data must ~~shall~~ be used, including population estimates and projections ~~unless alternative data can be justified for a plan amendment through new supporting data and analysis~~. Each map depicting future conditions must reflect the principles, guidelines, and standards within all elements, and each such map must be contained within the comprehensive plan.

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry,

agriculture, recreation, conservation, education, public facilities, and other categories of the public and private uses of land. The approximate acreage and the general range of density or intensity of use shall be provided for the gross land area included in each existing land use category. The element shall establish the long-term end toward which land use programs and activities are ultimately directed.

1. Each future land use category must be defined in terms of uses included, and must include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives.

2. The future land use plan and plan amendments shall be based upon surveys, studies, and data regarding the area, as applicable, including:

a. The amount of land required to accommodate anticipated growth.

b. The projected permanent and seasonal population of the area.

c. The character of undeveloped land.

d. The availability of water supplies, public facilities, and services.

e. The need for redevelopment, including the renewal of

blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community.

f. The compatibility of uses on lands adjacent to or closely proximate to military installations.

g. The compatibility of uses on lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02.

h. The discouragement of urban sprawl.

i. The need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy.

j. The need to modify land uses and development patterns within antiquated subdivisions.

3. The future land use plan element shall include criteria to be used to:

a. Achieve the compatibility of lands adjacent or closely proximate to military installations, considering factors identified in s. 163.3175(5).

b. Achieve the compatibility of lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02.

c. Encourage preservation of recreational and commercial working waterfronts for water-dependent uses in coastal communities.

d. Encourage the location of schools proximate to urban residential areas to the extent possible.

e. Coordinate future land uses with the topography and

soil conditions, and the availability of facilities and services.

f. Ensure the protection of natural and historic resources.

g. Provide for the compatibility of adjacent land uses.

h. Provide guidelines for the implementation of mixed-use development including the types of uses allowed, the percentage distribution among the mix of uses, or other standards, and the density and intensity of each use.

4. The amount of land designated for future planned uses shall provide a balance of uses that foster vibrant, viable communities and economic development opportunities and address outdated development patterns, such as antiquated subdivisions. The amount of land designated for future land uses should allow the operation of real estate markets to provide adequate choices for permanent and seasonal residents and business and may not be limited solely by the projected population. The element shall accommodate at least the minimum amount of land required to accommodate the medium projections as published by the Office of Economic and Demographic Research for at least a 10-year planning period unless otherwise limited under s. 380.05, including related rules of the Administration Commission.

5. The future land use plan of a county may designate areas for possible future municipal incorporation.

6. The land use maps or map series shall generally

identify and depict historic district boundaries and shall designate historically significant properties meriting protection.

7. The future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local government shall include in the categories sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use.

8. Future land use map amendments shall be based upon the following analyses:

a. An analysis of the availability of facilities and services.

b. An analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.

c. An analysis of the minimum amount of land needed to achieve the goals and requirements of this section.

9. The future land use element must ~~and any amendment to~~

~~the future land use element shall~~ discourage the proliferation of urban sprawl by planning for future development as provided in this section.

a. The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:

(I) Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.

(II) Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.

(III) Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.

(IV) Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.

(V) Fails to adequately protect adjacent agricultural

areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.

(VI) Fails to maximize use of existing public facilities and services.

(VII) Fails to maximize use of future public facilities and services.

(VIII) Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.

(IX) Fails to provide a clear separation between rural and urban uses.

(X) Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.

(XI) Fails to encourage a functional mix of uses.

(XII) Results in poor accessibility among linked or related land uses.

(XIII) Results in the loss of significant amounts of functional open space.

b. The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves

four or more of the following:

(I) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

(II) Promotes the efficient and cost-effective provision or extension of public infrastructure and services.

(III) Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.

(IV) Promotes conservation of water and energy.

(V) Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.

(VI) Preserves open space and natural lands and provides for public open space and recreation needs.

(VII) Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.

(VIII) Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as

transit-oriented developments or new towns as defined in s. 163.3164.

10. The future land use element shall include a future land use map or map series.

a. The proposed distribution, extent, and location of the following uses shall be shown on the future land use map or map series:

(I) Residential.

(II) Commercial.

(III) Industrial.

(IV) Agricultural.

(V) Recreational.

(VI) Conservation.

(VII) Educational.

(VIII) Public.

b. The following areas shall also be shown on the future land use map or map series, if applicable:

(I) Historic district boundaries and designated historically significant properties.

(II) Transportation concurrency management area boundaries or transportation concurrency exception area boundaries.

(III) Multimodal transportation district boundaries.

(IV) Mixed-use categories.

c. The following natural resources or conditions shall be shown on the future land use map or map series, if applicable:

(I) Existing and planned public potable waterwells, cones of influence, and wellhead protection areas.

(II) Beaches and shores, including estuarine systems.

(III) Rivers, bays, lakes, floodplains, and harbors.

(IV) Wetlands.

(V) Minerals and soils.

(VI) Coastal high hazard areas.

Section 8. Paragraph (e) of subsection (8) of section 163.3167, Florida Statutes, is redesignated as paragraph (f), and paragraph (e) is added to that subsection, to read:

163.3167 Scope of act.—

(8)

(e) The approval of an increase in height or floor area ratio in the land development regulations by a local government, commission, council, or board shall be by ordinance with a simple majority vote. For purposes of this paragraph, the term "floor area ratio" includes floor lot area.

Section 9. Section 163.31771, Florida Statutes, is amended to read:

163.31771 Accessory dwelling units.—

(1) The Legislature finds that the median price of homes in this state has increased steadily over the last decade and at a greater rate of increase than the median income in many urban areas. The Legislature finds that the cost of rental housing has also increased steadily and the cost often exceeds an amount

that is affordable to extremely-low-income, very-low-income, low-income, or moderate-income persons and has resulted in a critical shortage of affordable rentals in many urban areas in the state. This shortage of affordable rentals constitutes a threat to the health, safety, and welfare of the residents of the state. Therefore, the Legislature finds that it serves an important public purpose to encourage the permitting of accessory dwelling units in single-family residential areas in order to increase the availability of affordable rentals for extremely-low-income, very-low-income, low-income, or moderate-income persons.

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

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

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

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

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

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

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

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

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

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

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

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

(c) Discretionary conditional use permit procedures or standards that do not apply generally to other housing in the same district or zone.

~~(4) An application for a building permit to construct an accessory dwelling unit must include an affidavit from the~~

~~applicant which attests that the unit will be rented at an affordable rate to an extremely-low-income, very-low-income, low-income, or moderate-income person or persons.~~

(4) ~~(5)~~ Each accessory dwelling unit allowed by an ordinance adopted under this section applies ~~shall apply~~ toward satisfying the affordable housing component of the housing element in the local government's comprehensive plan under s. 163.3177(6)(f).

(5)(a) Beginning October 1, 2025, and by October 1 every year thereafter, the local government shall submit an annual report to the department, in a form and manner prescribed by the department, and post publicly on its website, the following information for the previous fiscal year:

1. The number of applications to construct new accessory dwelling units, the number of new accessory dwelling units that have been approved, and the number of new accessory dwelling units that have been denied, and the reason for denial.

2. The number of allowable accessory dwelling units located in the jurisdiction, the number of accessory dwelling units, attached or unattached, which are not allowed by an ordinance, and the number of single-family homes in a zoning district in which accessory dwelling units are allowed by an ordinance.

(b) The department may adopt rules to administer and enforce this subsection.

(6)(a) The owner of property with an accessory dwelling unit may not be denied a homestead exemption or homestead property assessment limitation solely on the basis of the property containing an accessory dwelling unit which may be rented.

(b) If the accessory dwelling unit is rented by the property owner:

1. The assessment of the accessory dwelling unit must be separated from the homestead property.

2. It may not be construed as an abandonment of the dwelling previously claimed to be a homestead under s. 196.061, provided such dwelling is physically occupied by the owner.

(c) If the accessory dwelling unit is not rented by the property owner, the assessment of the accessory dwelling unit must be considered part of the homestead property.

Section 10. Paragraphs (a) and (b) of subsection (1) of section 196.1979, Florida Statutes, are amended to read:

196.1979 County and municipal affordable housing property exemption.—

(1)(a) Notwithstanding ss. 196.195 and 196.196, the board of county commissioners of a county or the governing body of a municipality may adopt an ordinance to exempt those portions of property used to provide affordable housing meeting the requirements of this section. Such property is considered property used for a charitable purpose. To be eligible for the

exemption, the portions of property:

1. Must be used to house natural persons or families whose annual household income:

a. Is greater than 30 percent but not more than 60 percent of the median annual adjusted gross income for households within the metropolitan statistical area or, if not within a metropolitan statistical area, within the county where ~~in which~~ the person or family resides; or

b. Does not exceed 30 percent of the median annual adjusted gross income for households within the metropolitan statistical area or, if not within a metropolitan statistical area, within the county where ~~in which~~ the person or family resides.~~;~~

2.a. Must be within a multifamily project containing at least the minimum number of residential units as defined by the county or municipality that adopts an ordinance under this section; a county or municipality that adopts an ordinance under this section may set a minimum residential unit threshold that deems a property eligible for the exemption for properties that exceed 15,000 square feet, at a minimum of 5 units not to exceed a minimum of 50 residential units ~~50 or more residential units, at least 20 percent of which are used to provide affordable housing that meets the requirements of this section~~; or

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

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

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

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

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

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

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

are used to provide affordable housing meeting the requirements of this section.

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

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

Section 11. Paragraph (a) of subsection (5) of section 333.03, Florida Statutes, is amended to read:

333.03 Requirement to adopt airport zoning regulations.—

(5) Sections 125.01055(7) and 166.04151(7) do not apply to any of the following:

(a) A proposed development ~~near a runway~~ within one-quarter of a mile laterally from the runway edge and within an area that is the width of one-quarter of a mile extending at right angles from the end of the runway for a distance of 10,000 feet of any runway for an existing commercial service airport ~~runway~~ or planned commercial service airport runway identified in the local government's airport master plan. As used in this paragraph, the term "commercial service airport" has the same meaning as in s. 332.0075(1).

Section 12. Paragraph (d) of subsection (1) of section

420.50871, Florida Statutes, is amended, and paragraph (e) is added to subsection (1) of that section, to read:

420.50871 Allocation of increased revenues derived from amendments to s. 201.15 made by ch. 2023-17.—Funds that result from increased revenues to the State Housing Trust Fund derived from amendments made to s. 201.15 made by chapter 2023-17, Laws of Florida, must be used annually for projects under the State Apartment Incentive Loan Program under s. 420.5087 as set forth in this section, notwithstanding ss. 420.507(48) and (50) and 420.5087(1) and (3). The Legislature intends for these funds to provide for innovative projects that provide affordable and attainable housing for persons and families working, going to school, or living in this state. Projects approved under this section are intended to provide housing that is affordable as defined in s. 420.0004, notwithstanding the income limitations in s. 420.5087(2). Beginning in the 2023-2024 fiscal year and annually for 10 years thereafter:

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

(d) Provide housing near military installations and United States Department of Veterans Affairs medical centers or outpatient clinics in this state, with preference given to

projects that incorporate critical services for servicemembers, their families, and veterans, such as mental health treatment services, employment services, and assistance with transition from active-duty service to civilian life.

(e) Provide housing in areas of critical housing shortage for essential service and high-demand career employees through a public-private housing partnership agreement with major public and private sector employers for whom housing shortages are affecting recruitment and retention of workers. Private sector employers shall provide land and financial support for the housing projects. Housing may not be exclusive to any specific employee group.

Section 13. Section 702.13, Florida Statutes, is created to read:

702.13 Expedited foreclosure proceedings for abandoned real property.-

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

(a) "Abandoned real property" means residential real property that a homeowner does not continue to occupancy or use, and at least three of the following indications of abandonment are met:

1. Furnishings and personal items consistent with residential occupancy are not present on the property;

2. Public utility services, such as gas, electric, or water utilities, are disconnected;

3. Windows on the property are boarded up or closed off; smashed, broken, or unhinged; or window panes are broken and unrepaired;

4. Statements are provided by neighbors, delivery agents, or government employees that the property is vacant;

5. Doors on the property are substantially damaged, broken, unhinged, or conspicuously open;

6. The property is stripped of copper or any other nonferrous metal, including, but not limited to, copper, copper alloy, brass, aluminum, bronze, lead, zinc, nickel, and alloys thereof, or any interior fixtures are removed;

7. At least one report has been received by law enforcement officials of trespassing, vandalism, or other illegal activity on the property within the immediately preceding 6 months;

8. The property has been declared unfit for occupancy and ordered to remain vacant and unoccupied under an order issued by a municipal authority or county authority, or by a court of competent jurisdiction;

9. Construction has been initiated on the property but is discontinued before completion, leaving the property unsuitable for occupancy, and construction has not taken place for at least 12 months;

10. Newspapers, circulars, flyers, or mail has accumulated on the property or the United States Postal Service has

discontinued delivery to the property;

11. Rubbish, trash, debris, neglected vegetation, or natural overgrowth has accumulated on the property;

12. Hazardous, noxious, or unhealthy substances or materials have accumulated on the property;

13. The homeowner or a representative for the property cannot be reached after a credible attempt to communicate; or

14. Other credible indications exist indicating that the homeowner has vacated and abandoned the property.

(b) "Claimant" means a person or entity claiming a legal right to initiate a foreclosure action, including:

1. A mortgagee as defined in s. 701.041.

2. A tax lienholder or a tax certificate holder pursuant to chapter 197.

3. A homeowners' association or a condominium association enforcing a lien pursuant to s. 718.116 or s. 720.3085.

4. A county, municipality, or other governmental entity enforcing a lien for:

a. Code violations pursuant to chapter 162.

b. Utility services pursuant to chapter 159 or local ordinance.

c. Environmental cleanup pursuant to chapters 376 and 403.

d. Special assessments pursuant to chapters 170 and 197.

5. A mechanic or laborer enforcing a lien under part II of chapter 713.

6. A judgment lienholder pursuant to chapter 55.

7. State tax authorities enforcing a lien pursuant to s. 213.758 or s. 192.091, including a lien for unpaid taxes administered by the Florida Department of Revenue.

8. Special districts, including, but not limited to, Community Development Districts, enforcing a lien pursuant to chapters 189 and 190.

9. Other governmental or quasi-governmental entities, including water management districts and public hospital boards, enforcing a lien pursuant to s. 373.503 or s. 154.02.

10. A lienholder authorized to request an order to show cause for the entry of final judgment in a foreclosure action pursuant to s. 702.10.

11. Any other person or entity authorized by general law to initiate a foreclosure action or enforce a lien against real property.

(c) "Delinquent party" means the person or entity against whom a foreclosure action has been initiated, including, but not limited to, a person or entity in arrears or default under the terms of a lien, a mortgage, or any other obligation.

(d) "Mortgagor" has the same meaning as in s. 701.041(1)(d).

(e) "Real property" has the same meaning as in s. 475.801.

(2)(a) In a foreclosure proceeding under this chapter involving residential real property, the claimant may file a

motion with the trial court for a judicial determination that the residential real property is abandoned real property. The claimant must file a sworn affidavit with the trial court attesting that the residential real property is "abandoned real property," as defined in subsection (1), and any other relevant documentation, including photographic documentation.

(b) Upon filing of the motion, the trial court shall set the date and time for a hearing on the motion, which must be conducted at least 15 days but no more than 25 days after the filing of the motion.

(3)(a) The claimant shall give written notice to the homeowner and to each known delinquent party. Notice shall be promptly delivered or sent pursuant to s. 715.104(3) to the last known mailing address of the homeowner and to each known delinquent party. In addition, notice shall be sent to the last known e-mail address of the homeowner and to each known delinquent party, and shall be given by telephone communication to the last known telephone number of the homeowner and each known delinquent party. Notice under this paragraph must include the following information:

1. State that a motion has been filed with the trial court to make a judicial determination as to whether the residential real property is abandoned real property and that a hearing regarding the motion has been set.

2. State the contact information of the trial court to

which the motion was filed and the date and location of the hearing on the motion.

3. State the definition of abandoned real property pursuant to subsection (1).

4. State the possible outcomes if the court makes a judicial determination that the residential real property is abandoned real property, including the possibility of an expeditious foreclosure on the property.

5. State that the homeowner or delinquent party has the right to file an affidavit attesting to legal residence at the property, or any other documentation of legal residence at the property, at the time of the hearing and may appear personally or by way of an attorney at the hearing.

6. State that a mortgagor, lawful occupant, or adverse possessor of the residential real property under s. 95.18 may contact the trial court for information about the motion and hearing or to object on the record to the motion.

7. Provide copies of the motion and any documentation in support of the motion, including photographic and other relevant documentation.

(b) The claimant shall conspicuously post on the residential real property a notice printed in at least 12-point uppercase and boldfaced type. The notice must state the information in paragraph (a)1.-6. The claimant shall file with the trial court photographic documentation of compliance with

this paragraph after posting the notice on the residential real property.

(4)(a) At the hearing on the motion, if the trial court finds by a preponderance of the evidence that the residential real property is abandoned real property, the court shall render a declaratory judgment in favor of the claimant and immediately proceed to a trial of foreclosure pursuant to this chapter.

(b) If the trial court finds at the foreclosure trial that the abandoned real property meets all requirements necessary to enter a judgement of foreclosure pursuant to s. 702.036, the court must promptly order the clerk to schedule a public sale of the abandoned real property pursuant to s. 45.031.

(5)(a) If a mortgagor, a lawful occupant, or a person claiming adverse possession pursuant to s. 95.18 objects to the trial court's judicial determination under subsection(4)(a) and submits the appropriate documentation with the court, the court may not enter a declaratory judgment in favor of the claimant.

(b) If, before the sale of the abandoned real property pursuant to subsection (4)(b), a mortgagor, a lawful occupant, or a person claiming adverse possession pursuant to s. 95.18 presents sufficient evidence to the court that the property is not abandoned real property, the court shall rescind the orders it issued pursuant to subsection (4)(a) and (b).

(6)(a) This section applies to residential real property that is abandoned. Residential real property is abandoned if:

1. The homeowner or delinquent party delivers a written, signed statement declaring the residential real property to be abandoned; or

2. The residential real property is considered "abandoned real property," as defined in subsection (1).

(b) This section does not apply to residential real property that is:

1. Subject to an action to quiet title pursuant to s. 65.011, s. 65.021, s. 65.061, or s. 65.071.

2. Subject to a probate action pursuant to chapter 733.

3. The subject of any other litigation where the ownership of the property is actively disputed.

4. An unoccupied dwelling or building undergoing construction, renovation, or any other manner of rehabilitation, which complies with all applicable state and local permitting requirements and regulations.

Section 14. Section 760.26, Florida Statutes, is amended to read:

760.26 Prohibited discrimination in land use decisions and in permitting of development.—

(1) It is unlawful to discriminate in land use decisions or in the permitting of development based on race, color, national origin, sex, disability, familial status, religion, or, except as otherwise provided by law, the source of financing of a development or proposed development or based on the

development or proposed development being affordable housing as defined under s. 420.0004(3).

(2) To ensure that courts may assess damages for claims filed under this section in accordance with s. 13, Art. X of the State Constitution, the state, for itself and its agencies or political subdivisions, waives sovereign immunity for causes of action based on the application of this section. Such waiver is limited only to actions brought under this section. A violation of this section may be remedied as provided by s. 760.35.

Section 15. It is the intent of the Legislature that the amendment to s. 760.26, Florida Statutes, is remedial and clarifying in nature, and shall apply retroactively for any causes of action filed on or before the effective date of the passage of this act.

Section 16. Subsection (29) of section 479.01, Florida Statutes, is amended to read:

479.01 Definitions.—As used in this chapter, the term:

(29) "Zoning category" means the designation under the land development regulations or other similar ordinance enacted to regulate the use of land as provided in s. 163.3202(2)(c) ~~s. 163.3202(2)(b)~~, which designation sets forth the allowable uses, restrictions, and limitations on use applicable to properties within the category.

Section 17. Subsection (12) of section 1001.43, Florida Statutes, is amended to read:

1001.43 Supplemental powers and duties of district school board.—The district school board shall ~~may~~ exercise the following supplemental powers and duties as authorized by this code or State Board of Education rule.

(12) AFFORDABLE HOUSING.—

(a) A district school board shall ~~may~~ use portions of school sites purchased within the guidelines of the State Requirements for Educational Facilities, land deemed not usable for educational purposes because of location or other factors, or land declared as surplus by the board ~~to provide sites for affordable housing for teachers and other district personnel and, in areas of critical state concern, for other essential services personnel as defined by local affordable housing eligibility requirements, independently or in conjunction with other agencies as described in subsection (5)~~.

(b) Each district school board shall adopt best practices for surplus land programs, including, but not limited to:

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

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

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

certain timeframe.

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

Section 18. This act shall take effect July 1, 2025.

HOUSING, AGRICULTURE, AND TOURISM SUBCOMMITTEE

HB 943 by Rep. Lopez, V.
Relating to Real Property and Land Use and Development

AMENDMENT SUMMARY
March 25, 2025

Amendment 1 by Rep. Lopez, V. (Line 171):

- Prohibits counties from adopting any ordinance that limits or prohibits affordable housing.
- Clarifies the authority of counties to approve the development of affordable housing on certain lands owned by religious institutions, regardless of the underlying zoning.
- Defines "allowable density" as the density prescribed for a property without additional requirements to procure and transfer density or development units from other properties.
- Allows, rather than requires, counties to authorize the inclusion of certain adjacent parcels as part of a multifamily development, if the residential units meet affordability requirements.
- Revises the definition of "highest height" to include the height of the tallest building in a county located within 1 mile of a proposed development if the building exceeds the highest height allowed on or after July 1, 2023.
- Requires certain proposed affordable housing developments to be treated as a conforming use, notwithstanding a county's comprehensive plan, future land use designation, or zoning.
- Removes the cause of action for certain property owners that are adversely affected by certain building moratoriums.
- Requires any ordinance that designates property as a historic landmark to have a printed or digital map of the property readily available, and requires the map to be submitted to the State Historic Preservation Officer no later than June 1, 2027.

Amendment 2 by Rep. Lopez, V. (Line 563): The amendment duplicates the changes made in Amendment 1 for counties and applies those changes to municipalities.

Amendment 3 by Rep. Lopez, V. (Line 932): The amendment restores the following provisions under the Community Planning Act (CPA) to current law:

- The definitions of "compatibility" and "urban service area," as used in the CPA.
- Guidelines for the required and optional elements of a local government's comprehensive plan under the CPA.

Amendment 4 by Rep. Lopez, V. (Line 1216): The amendment modifies the definition of "accessory dwelling unit" to include certain manufactured homes.

Amendment 5 by Rep. Lopez, V. (Line 1361): The amendment:

- Requires both private *and public* sector employees, who partner with developers on housing projects to support essential service and high-demand career employees, to provide land and financial support for the housing projects.
- Defines "person" for purposes of the Fair Housing Act (FHA).
- Requires a court, upon finding that a person has committed a discriminatory housing practice under the FHA, to issue an order prohibiting the practice and providing certain affirmative relief from the effects of the practice.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	____	(Y/N)
ADOPTED AS AMENDED	____	(Y/N)
ADOPTED W/O OBJECTION	____	(Y/N)
FAILED TO ADOPT	____	(Y/N)
WITHDRAWN	____	(Y/N)
OTHER		

Committee/Subcommittee hearing bill: Housing, Agriculture & Tourism Subcommittee
Representative Lopez, V. offered the following:

Amendment (with title amendment)

Remove lines 171-562 and insert:

Section 1. Subsections (1), (6), (7), and (8) of section 125.01055, Florida Statutes, are amended, and subsections (9) through (12) are added to that section, to read:

125.01055 Affordable housing.—

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

limits or prohibits affordable housing, including, but not limited to, any measure that is adopted for the purpose of limiting the maximum percentage of units within a certain geographic area or within a certain distance from another affordable housing project, or that otherwise prohibits affordable housing in areas zoned for such use.

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

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

1. "Allowable density" means the density prescribed for the property without additional requirements to procure and

transfer density units or development units from other properties.

2. "Allowable use" means the intended uses identified in a county's land development regulations which are authorized within a zoning category as a use by right, without the requirement to obtain a variance or waiver. The term does not include uses that are accessory, ancillary, or incidental to the allowable uses or allowed only on a temporary basis.

3. "Commercial use" means activities associated with the sale, rental, or distribution of products or the sale or performance of services. The term includes, but is not limited to, retail, office, entertainment, and other for-profit business activities.

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

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

(b)1.~~(a)~~ Notwithstanding any other law, local ordinance, or regulation to the contrary, including any local moratorium established after March 29, 2023, a county must authorize multifamily and mixed-use residential as allowable uses on any site owned by the county, a district school board, or a religious institution as defined in s. 170.201(2), and in any area zoned for commercial, industrial, or mixed use; any planned

unit development permitted for commercial, industrial, or mixed use; or any zoning district not zoned solely for use as a single-family home or duplex, if at least 40 percent of the residential units in a proposed multifamily or mixed-use residential development are rental units that, for a period of at least 30 years, are affordable as defined in s. 420.0004. A county shall authorize the inclusion of an adjacent parcel of land as part of the multifamily development, regardless of the land use designation of the adjacent parcel, if the residential units to be built on the adjacent parcel comply with the requirements of this subsection.

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

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

4. Notwithstanding any local land development regulation categorization or title, areas zoned for mixed use shall be defined as areas that include both residential and nonresidential uses, regardless of whether the residential or nonresidential uses are permitted as principal use, conditional use, ancillary use, special use, unusual use, accessory use, planned unit development, or planned development. Nonresidential use includes, but is not limited to, retail, office, hotel, lodging, civic, institutional, parking, utilities, or other commercial uses.

5. Affordable or workforce units that receive any incentive under subsection (4) also qualify as affordable under this subsection as long as the units satisfy the requirements of s. 420.0004 and the local regulations.

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

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

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

(e) ~~(c)~~ A county may not directly restrict or take action that has the effect of restricting the floor area ratio of a proposed multifamily or mixed-use residential development authorized under this subsection below 150 percent of the highest ~~currently allowed~~ floor area ratio allowed on or after July 1, 2023, on any unincorporated land in the county where development is allowed under the county's land development regulations. For purposes of this paragraph, the term "highest ~~currently allowed~~ floor area ratio" does not include the floor

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

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

2. If the proposed multifamily or mixed-use residential

development is adjacent to, on two or more sides, a parcel zoned for single-family residential use which is within a single-family residential development with at least 25 contiguous single-family homes, the county may restrict the height of the proposed development to 150 percent of the tallest building on any property adjacent to the proposed development, the highest ~~currently allowed~~ height allowed on or after July 1, 2023, for the property provided in the county's land development regulations, or 3 stories, whichever is higher. For the purposes of this paragraph, the term "adjacent to" means those properties sharing more than one point of a property line, but does not include properties separated by a public road.

(g)1.~~(c)~~ A proposed multifamily or mixed-use residential development authorized under this subsection must be administratively approved and ~~no~~ further action by the board of county commissioners or any quasi-judicial board of the reviewing body is not authorized ~~required~~ if the development satisfies the county's land development regulations for multifamily or mixed-use residential developments in areas zoned for such use, density, intensity, and height, and is otherwise consistent with the comprehensive plan, with the exception of provisions establishing ~~allowable~~ densities, floor area ratios, height, and land use, including mixed use and minimum nonresidential or commercial floor area requirements. The removal or demolition of an existing structure to be performed

as part of the proposed development must also be administratively approved. A proposed development authorized under this subsection must be treated as a conforming use, notwithstanding the county's comprehensive plan, future land use designation, or zoning. ~~Such land development regulations include, but are not limited to, regulations relating to setbacks and parking requirements.~~

2. A county may not initiate or enforce zoning-in-progress or a building moratorium on a proposed development that is subject to this subsection and for which the county has approved the development's preliminary site plan.

3. A proposed development located within one-quarter mile of a military installation identified in s. 163.3175(2) may not be administratively approved.

4. Each county shall maintain on its website a policy containing the zoning map and zoning regulations in effect on July 1, 2023, and the procedures and expectations for administrative approval pursuant to this subsection.

(h) ~~(f)~~1. A county must reduce ~~consider reducing~~ parking requirements by at least 20 percent for a proposed development authorized under this subsection, or by 100 percent for structures that are 20,000 square feet or less ~~if the development is located within one-quarter mile of a transit stop, as defined in the county's land development code, and the transit stop is accessible from the development~~.

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

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

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

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

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

(i) ~~(g)~~ For proposed multifamily developments in an unincorporated area zoned for commercial or industrial use which is within the boundaries of a multicounty independent special

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

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

~~(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.~~

(k) ~~(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.

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

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

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

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

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

(o) After July 1, 2023, if a county adopts an ordinance or resolution, or makes any other decision, and such ordinance, resolution, or decision has the effect, either directly or indirectly, of:

1. Limiting the height, floor area ratio, or density of a project under this section;

2. Unreasonably delaying the development or construction of a project under this section, including, but not limited to, imposing a moratorium;

3. Restricting the manner in which affordable units are developed or accessed within a project or regulating the types of units in the project; or

4. Restricting or limiting a project under this section in any other way,

then such ordinance, resolution, or decision shall be deemed preempted. If a property owner files a site plan application under this section with a county, the administrative review process must be based only on the land development regulations in effect as of the date of filing the application.

(p) The regulation of affordable housing under this subsection is expressly preempted to the state. This subsection supersedes any local government ordinances, resolutions, or any other local regulations, including local moratoriums, on matters covered under this subsection.

(q) If an action is filed against a local government to challenge the adoption or enforcement of a local ordinance, resolution, or other local regulation on the grounds that it is expressly preempted by general law under this subsection, the

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

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

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

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

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

(b) Procurement or transfer of density units or

development units.

Any such waiver, forbearance, acquisition, transfer, procurement, or abandonment is void.

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

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

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

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

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

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

(a) An affordable housing ad valorem tax exemption under s. 196.1978 or s. 196.1979.

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

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

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

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

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

(11)(a) A county, municipality, or special district may provide an exception or waiver for an impact fee for the development or construction of housing that is affordable, as defined in s. 420.9071. If a county, municipality, or special district provides such an exception or waiver, it is not required to use any revenues to offset the impact.

(b) Qualified developments authorized pursuant to s. 125.01055 or s. 166.04151 shall receive an exception or waiver for 20 percent of the impact fees for the development of, or construction of the portion of the development that is, affordable housing.

Section 3. Subsection (2) of section 166.041, Florida Statutes, is amended to read:

166.041 Procedures for adoption of ordinances and resolutions.—

(2)(a) Each ordinance or resolution shall be introduced in writing and shall embrace but one subject and matters properly connected therewith. The subject shall be clearly stated in the title. No ordinance shall be revised or amended by reference to its title only. Ordinances to revise or amend shall set out in full the revised or amended act or section or subsection or paragraph of a section or subsection.

(b) Any ordinance the subject of which designates property as a historic landmark shall require a printed or digital map of such property to be readily available. A municipality shall submit such map to the State Historic Preservation Officer no later than June 1, 2027.

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

417 ----------
418 **T I T L E A M E N D M E N T**
419 Remove lines 3-101 and insert:
420 development; amending s. 125.01055, F.S.; prohibiting
421 counties from adopting or enforcing specified laws,
422 ordinances, rules, or other measures relating to
423 affordable housing; authorizing the board of county
424 commissioners to approve the development of housing
425 that is affordable on any parcel that is owned by a
426 specified religious institution; providing
427 definitions; requiring counties to authorize
428 multifamily and mixed-use residential as allowable
429 uses on sites owned by specified entities and in
430 planned unit developments for specified use, if
431 certain conditions are met; requiring counties to
432 include adjacent land as part of multifamily
433 development, regardless of land use designation, if
434 certain conditions are met; prohibiting counties from
435 requiring a proposed mixed-use residential development
436 to obtain certain amendments; prohibiting counties
437 from requiring more than a certain percentage of total
438 square footage to be used for specified purposes;
439 requiring a specified definition of areas zoned for
440 mixed use; providing that certain affordable or
441 workforce units also qualify as affordable housing;

prohibiting counties from requiring a proposed multifamily development to acquire or transfer density, density units, or development units or obtain certain amendments or approval; prohibiting counties from restricting or taking action that has the effect of restricting the density of a proposed multifamily or mixed-use residential development below the highest density on or after a specified date; providing construction; prohibiting counties from restricting or taking action that has the effect of restricting the maximum lot size of a proposed multifamily or mixed-use residential development below the largest maximum lot size on or after a specified date; prohibiting counties from restricting or taking action that has the effect of restricting the floor area ratio of a proposed multifamily or mixed-use residential development below a certain percentage allowed on or after a specified date; prohibiting counties from restricting or taking action that has the effect of restricting the height of a proposed multifamily or mixed-use residential development below the highest height on or after a specified date; providing construction; revising the ability of counties to restrict the height of multifamily or mixed-use residential developments that are adjacent specified

parcels to the highest height allowed on or after a specified date; requiring administrative approval of proposed multifamily or mixed-use residential developments with no further action or approval in certain instances; requiring such developments to be treated as a conforming use, notwithstanding certain land development regulations; prohibiting counties from initiating or enforcing zoning-in-progress or building moratoriums in certain instances; requiring counties to maintain on its website a specified policy; requiring counties to approve, within a specified time frame, building permit plan review for proposed developments; providing for the awarding of attorney fees and costs under certain conditions; providing that if a county adopts an ordinance or resolution, or makes any other decision, after a specified date having certain listed effects, the ordinance, resolution, or decision is deemed preempted; preempting the regulation of affordable housing to the state; requiring courts to expedite proceedings and render an order within a specified timeframe if an action is filed against a local government based on preemption grounds; requiring notice of appeal to be filed and served within a specified timeframe from such judgment; requiring the

Supreme Court to adopt rules by a specified date for such expedited proceedings; prohibiting counties from conditioning review or approval of applications for development permits or orders on the waiver, forbearance, acquisition, transfer, or abandonment of any development right, or the procurement or transfer of density units or development units; deeming such actions to be void; providing certain reporting requirements beginning on a specified date; providing reporting requirements; prohibiting the imposition of a building moratorium under certain circumstances; providing that the owner of an administratively approved proposed development has a vested right to proceed with development under certain circumstances; amending s. 163.31801, F.S.; requiring an exception or waiver for a specified percentage of the impact fees for certain developments; amending s. 166.041, F.S.; requiring that ordinances designating property as a historic landmark require a map to be readily available; requiring municipalities to submit such maps to the State Historic Preservation Officer by a specified date; requiring that resolutions designating certain privately owned property as a historic landmark be based on a certain finding by the governing body for adoption of such resolutions;

amending s. 166.04151, F.S.; requiring the governing body of a municipality to approve the development of housing that is affordable if certain requirements are met; providing definitions; requiring municipalities to authorize multifamily and mixed-use residential as allowable uses on sites owned by specified entities and in planned unit developments for specified use, if certain conditions are met; requiring municipalities to include adjacent land as part of multifamily development, regardless of land use designation, if certain conditions are met; prohibiting municipalities from requiring a proposed mixed-use residential development to obtain certain amendments; prohibiting municipalities from requiring more than a certain percentage of total square footage to be used for specified purposes; requiring a specified definition of areas zoned for mixed use; providing that certain affordable or workforce units also qualify as affordable housing; prohibiting municipalities from restricting the density of a proposed multifamily or mixed-use residential development below the highest density on or after a specified date; prohibiting municipalities from restricting the maximum lot size of a proposed multifamily or mixed-use residential development below the highest maximum lot size on or

after a specified date; prohibiting municipalities from restricting the floor area ratio of a proposed multifamily or mixed-use residential development below a certain percentage allowed on or after a specified date; prohibiting municipalities from restricting the height of a proposed multifamily or mixed-use residential development below the highest height on or after a specified date; revising the ability of municipalities to restrict the height of multifamily or mixed-use residential developments that are adjacent specified parcels to the highest height allowed on or after a specified date; requiring administrative approval of proposed multifamily or mixed-use residential developments without a public hearing in certain instances; prohibiting municipalities from initiating or enforcing zoning-in-progress or building moratoriums in certain instances; requiring municipalities to maintain on its website a specified policy; requiring municipalities to reduce certain parking requirements by a specified percentage; requiring municipalities to approve, within a specified time frame, building permit plan review for proposed developments; providing for the awarding of attorney fees and costs under certain conditions; providing that if a municipality adopts an

ordinance or resolution, or makes any other decision, after a specified date having certain listed effects, the ordinance, resolution, or decision is deemed preempted; preempting the regulation of affordable housing to the state; providing that the administrative review process of a site plan filed with a municipality must be based on land development regulations in effect as of the date of filing the application; requiring courts to expedite proceedings and render an order within a specified timeframe if an action is filed against a local government based on preemption grounds; requiring notice of appeal to be filed and served within a specified timeframe from such judgment; requiring the Supreme Court to adopt rules by a specified date for such expedited proceedings; prohibiting municipalities from conditioning review or approval of applications for development permits or orders on the waiver, forbearance, or abandonment of any development right; deeming such actions to be void; providing certain reporting requirements beginning on a specified date; providing reporting requirements; prohibiting the imposition of a building moratorium under certain circumstances; providing that certain property owners have a cause of action; authorizing a court to provide

specified relief, costs, and fees; providing a maximum award; providing that certain property owners have specified rights; amending s. 163.2517, F.S.; requiring that proposed

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	____	(Y/N)
ADOPTED AS AMENDED	____	(Y/N)
ADOPTED W/O OBJECTION	____	(Y/N)
FAILED TO ADOPT	____	(Y/N)
WITHDRAWN	____	(Y/N)
OTHER		

Committee/Subcommittee hearing bill: Housing, Agriculture & Tourism Subcommittee

Representative Lopez, V. offered the following:

Amendment (with title amendment)

Remove lines 563-917 and insert:

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

166.04151 Affordable housing.—

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

ordinance, rule, or other measure that limits or prohibits affordable housing, including, but not limited to, any measure that is adopted for the purpose of limiting the maximum percentage of units within a certain geographic area or within a certain distance from another affordable housing project, or that otherwise prohibits affordable housing in areas zoned for such use.

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

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

1. "Allowable density" means the density prescribed for

the property without additional requirements to procure and transfer density units or development units from other properties.

2. "Allowable use" means the intended uses identified in a municipality's land development regulations which are authorized within a zoning category as a use by right, without the requirement to obtain a variance or waiver. The term does not include uses that are accessory, ancillary, or incidental to the allowable uses or allowed only on a temporary basis.

3. "Commercial use" means activities associated with the sale, rental, or distribution of products or the sale or performance of services. The term includes, but is not limited to, retail, office, entertainment, and other for-profit business activities.

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

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

(b)1.~~(a)~~ Notwithstanding any other law, local ordinance, or regulation to the contrary, including any local moratorium established after March 29, 2023, a municipality must authorize multifamily and mixed-use residential as allowable uses on any site owned by the municipality, a district school board, a religious institution as defined in s. 170.201(2), and in any

area zoned for commercial, industrial, or mixed use, any planned unit development permitted for commercial, industrial, or mixed use, or in any zoning district not zoned solely for use as a single-family home or duplex, if at least 40 percent of the residential units in a proposed multifamily or mixed-used residential development are rental units that, for a period of at least 30 years, are affordable as defined in s. 420.0004(3) ~~s. 420.0004~~. A municipality shall authorize the inclusion of an adjacent parcel of land as part of the multifamily development, regardless of the land use designation of the adjacent parcel, if the residential units to be built on the adjacent parcel comply with the requirements of this subsection.

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

3. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes.

A municipality may not require more than 10 percent of the total square footage to be used for nonresidential purposes.

4. Notwithstanding any local land development regulation categorization or title, areas zoned for mixed use shall be defined as areas that include both residential and nonresidential uses, regardless of whether the residential or nonresidential uses are permitted as principal use, conditional use, ancillary use, special use, unusual use, accessory use, planned unit development, or planned development. Nonresidential use includes, but is not limited to, retail, office, hotel, lodging, civic, institutional, parking, utilities, or other commercial uses.

5. Affordable or workforce units that receive any incentive under subsection (4) also qualify as affordable under this subsection as long as the units satisfy the requirements of s. 420.0004 and the local regulations.

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

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

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

(e) ~~(c)~~ A municipality may not directly restrict or take action that has the effect of restricting the floor area ratio of a proposed multifamily or mixed-use residential development authorized under this subsection below 150 percent of the highest ~~currently allowed~~ floor area ratio allowed on or after July 1, 2023, on any land in the municipality where development

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

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

special exception for height provided in the municipality's land development regulations as an incentive for development.

2. If the proposed multifamily or mixed-use residential development is adjacent to, on two or more sides, a parcel zoned for single-family residential use that is within a single-family residential development with at least 25 contiguous single-family homes, the municipality may restrict the height of the proposed development to 150 percent of the tallest building on any property adjacent to the proposed development, the highest ~~currently allowed~~ height allowed on or after July 1, 2023, for the property provided in the municipality's land development regulations, or 3 stories, whichever is higher. For the purposes of this paragraph, the term "adjacent to" means those properties sharing more than one point of a property line, but does not include properties separated by a public road.

(g)1.~~(c)~~ A proposed multifamily or mixed-use residential development authorized under this subsection must be administratively approved and ~~no~~ further action or approval by the governing body of the municipality or any quasi-judicial board of the reviewing body is not authorized ~~required~~ if the development satisfies the municipality's land development regulations for multifamily or mixed-use residential developments as of July 1, 2023, in areas zoned for such use, density, intensity, and height, and is otherwise consistent with the comprehensive plan, with the exception of provisions

establishing ~~allowable~~ densities, floor area ratios, height, and land use, including mixed use and minimum nonresidential or commercial floor area requirements. The removal or demolition of an existing structure to be performed as part of the proposed development must also be administratively approved. A proposed development authorized under this subsection must be treated as a conforming use, notwithstanding the municipality's comprehensive plan, future land use designation, or zoning. ~~Such land development regulations include, but are not limited to, regulations relating to setbacks and parking requirements.~~

2. A municipality may not initiate or enforce zoning-in-progress or a building moratorium on a proposed development that is subject to this subsection and for which the municipality has approved the development's preliminary site plan.

3. A proposed development located within one-quarter mile of a military installation identified in s. 163.3175(2) may not be administratively approved.

4. Each municipality shall maintain on its website a policy containing the zoning map and zoning regulations in effect on July 1, 2023, and the procedures and expectations for administrative approval pursuant to this subsection.

(h) ~~(f)~~1. A municipality must reduce ~~consider reducing~~ parking requirements by at least 20 percent for a proposed development authorized under this subsection, or by 100 percent for structures that are 20,000 square feet or less ~~if the~~

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

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

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

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

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

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

mix of other transportation options.

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

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

~~(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.~~

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

2. Nothing in this subsection precludes a proposed

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

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

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

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

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

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

(o) After July 1, 2023, if a municipality adopts an ordinance or resolution, or makes any other decision, and such ordinance, resolution, or decision has the effect, either

directly or indirectly, of:

1. Limiting the height, floor area ratio, or density of a project under this section;

2. Unreasonably delaying the development or construction of a project under this section, including, but not limited to, imposing a moratorium;

3. Restricting the manner in which affordable units are developed or accessed within a project or regulating the types of units in the project; or

4. Restricting or limiting a project under this section in any other way,

then such ordinance, resolution, or decision shall be deemed preempted. If a property owner files a site plan application under this section with a municipality, the administrative review process must be based only on the land development regulations in effect as of the date of filing the application.

(p) The regulation of affordable housing under this subsection is expressly preempted to the state. This subsection supersedes any local government ordinances, resolutions, or any other local regulations, including local moratoriums, on matters covered under this subsection.

(q) If an action is filed against a local government to challenge the adoption or enforcement of a local ordinance, resolution, or other local regulation on the grounds that it is

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

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

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

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

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

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

Any such waiver, forbearance, acquisition, transfer, procurement, or abandonment is void.

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

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

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

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

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

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

(a) An affordable housing ad valorem tax exemption under s. 196.1978 or s. 196.1979.

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

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

T I T L E A M E N D M E N T

Remove lines 3-101 and insert:

development; amending s. 125.01055, F.S.; requiring the board of county commissioners to approve the development of housing that is affordable if certain requirements are met; providing definitions; requiring counties to authorize multifamily and mixed-use residential as allowable uses on sites owned by specified entities and in planned unit developments for specified use, if certain conditions are met; requiring counties to include adjacent land as part of multifamily development, regardless of land use designation, if certain conditions are met; prohibiting counties from requiring a proposed mixed-use residential development to obtain certain amendments; prohibiting counties from requiring more than a certain percentage of total square footage to

be used for specified purposes; requiring a specified definition of areas zoned for mixed use; providing that certain affordable or workforce units also qualify as affordable housing; prohibiting counties from restricting the density of a proposed multifamily or mixed-use residential development below the highest density on or after a specified date; prohibiting counties from restricting the maximum lot size of a proposed multifamily or mixed-use residential development below the highest maximum lot size on or after a specified date; prohibiting counties from restricting the floor area ratio of a proposed multifamily or mixed-use residential development below a certain percentage allowed on or after a specified date; prohibiting counties from restricting the height of a proposed multifamily or mixed-use residential development below the highest height on or after a specified date; revising the ability of counties to restrict the height of multifamily or mixed-use residential developments that are adjacent specified parcels to the highest height allowed on or after a specified date; requiring administrative approval of proposed multifamily or mixed-use residential developments without a public hearing in certain instances; prohibiting counties from initiating or

enforcing zoning-in-progress or building moratoriums in certain instances; requiring counties to maintain on its website a specified policy; requiring a county to reduce certain parking requirements by a specified percentage; requiring counties to approve, within a specified time frame, building permit plan review for proposed developments; providing for the awarding of attorney fees and costs under certain conditions; providing that if a county adopts an ordinance or resolution, or makes any other decision, after a specified date having certain listed effects, the ordinance, resolution, or decision is deemed preempted; preempting the regulation of affordable housing to the state; providing that the administrative review process of a site plan filed with a county must be based on land development regulations in effect as of the date of filing the application; requiring courts to expedite proceedings and render an order within a specified timeframe if an action is filed against a local government based on preemption grounds; requiring notice of appeal to be filed and served within a specified timeframe from such judgment; requiring the Supreme Court to adopt rules by a specified date for such expedited proceedings; prohibiting counties from conditioning

review or approval of applications for development permits or orders on the waiver, forbearance, or abandonment of any development right; deeming such actions to be void; providing certain reporting requirements beginning on a specified date; providing reporting requirements; prohibiting the imposition of a building moratorium under certain circumstances; providing that certain property owners have a cause of action; authorizing a court to provide specified relief, costs, and fees; providing a maximum award; providing that certain property owners have specified rights; amending s. 163.31801, F.S.; requiring an exception or waiver for a specified percentage of the impact fees for certain developments; amending s. 166.041, F.S.; revising procedures to require that resolutions with certain subjects be based on a certain finding by the governing body for adoption of such resolutions; amending s. 166.04151, F.S.; prohibiting municipalities from adopting or enforcing specified laws, ordinances, rules, or other measures relating to affordable housing; authorizing municipalities to approve the development of housing that is affordable on any parcel that is owned by a specified religious institution; providing definitions; requiring counties and municipalities,

respectively, to authorize multifamily and mixed-use residential as allowable uses on sites owned by specified entities and in planned unit developments for specified use, if certain conditions are met; requiring counties and municipalities, respectively, to include adjacent land as part of multifamily development, regardless of land use designation, if certain conditions are met; prohibiting municipalities from requiring a proposed multifamily development to acquire or transfer density, density units, or development units or obtain certain amendments or approval; prohibiting municipalities from restricting or taking action that has the effect of restricting the density of a proposed multifamily or mixed-use residential development below the highest density on or after a specified date; providing construction; prohibiting municipalities from restricting or taking action that has the effect of restricting the maximum lot size of a proposed multifamily or mixed-use residential development below the largest maximum lot size on or after a specified date; prohibiting municipalities from restricting or taking action that has the effect of restricting the floor area ratio of a proposed multifamily or mixed-use residential development below a certain percentage

allowed on or after a specified date; prohibiting municipalities from restricting or taking action that has the effect of restricting the height of a proposed multifamily or mixed-use residential development below the highest height on or after a specified date; providing construction; revising the ability of municipalities to restrict the height of multifamily or mixed-use residential developments that are adjacent specified parcels to the highest height allowed on or after a specified date; requiring administrative approval of proposed multifamily or mixed-use residential developments with no further action or approval in certain instances; requiring such developments to be treated as a conforming use, notwithstanding certain land development regulations; prohibiting municipalities from initiating or enforcing zoning-in-progress or building moratoriums in certain instances; requiring municipalities to maintain on its website a specified policy; requiring municipalities to reduce certain parking requirements by a specified percentage; requiring municipalities to approve, within a specified time frame, building permit plan review for proposed developments; providing for the awarding of attorney fees and costs under certain conditions; providing that if a

municipality adopts an ordinance or resolution, or makes any other decision, after a specified date having certain listed effects, the ordinance, resolution, or decision is deemed preempted; preempting the regulation of affordable housing to the state; requiring courts to expedite proceedings and render an order within a specified timeframe if an action is filed against a local government based on preemption grounds; requiring notice of appeal to be filed and served within a specified timeframe from such judgment; requiring the Supreme Court to adopt rules by a specified date for such expedited proceedings; prohibiting municipalities from conditioning review or approval of applications for development permits or orders on the waiver, forbearance, acquisition, transfer, or abandonment of any development right, or the procurement or transfer of density units or development units; deeming such actions to be void; providing certain reporting requirements beginning on a specified date; providing reporting requirements; prohibiting the imposition of a building moratorium under certain circumstances; providing that the owner of an administratively approved proposed development has a vested right to

proceed with development under certain circumstances;
amending s. 163.2517, F.S.; requiring that proposed

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	____	(Y/N)
ADOPTED AS AMENDED	____	(Y/N)
ADOPTED W/O OBJECTION	____	(Y/N)
FAILED TO ADOPT	____	(Y/N)
WITHDRAWN	____	(Y/N)
OTHER		

Committee/Subcommittee hearing bill: Housing, Agriculture & Tourism Subcommittee

Representative Lopez, V. offered the following:

Amendment (with title amendment)

Remove lines 932-1182

T I T L E A M E N D M E N T

Remove lines 104-109 and insert:

contrary before a specified date; amending s. 163.3167,

Amendment No. 4

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	____	(Y/N)
ADOPTED AS AMENDED	____	(Y/N)
ADOPTED W/O OBJECTION	____	(Y/N)
FAILED TO ADOPT	____	(Y/N)
WITHDRAWN	____	(Y/N)
OTHER		

Committee/Subcommittee hearing bill: Housing, Agriculture & Tourism Subcommittee

Representative Lopez, V. offered the following:

Amendment (with title amendment)

Remove line 1216 and insert:

on the same lot, as the primary dwelling unit. The term includes a manufactured home constructed on or after January 1, 2025, which meets the National Manufactured Housing Construction and Safety Standards.

T I T L E A M E N D M E N T

Remove line 111 and insert:

Act; amending s. 163.31771, F.S.; revising the definition of the term "accessory dwelling unit"; defining the term

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	____	(Y/N)
ADOPTED AS AMENDED	____	(Y/N)
ADOPTED W/O OBJECTION	____	(Y/N)
FAILED TO ADOPT	____	(Y/N)
WITHDRAWN	____	(Y/N)
OTHER		

Committee/Subcommittee hearing bill: Housing, Agriculture & Tourism Subcommittee
Representative Lopez, V. offered the following:

Amendment (with title amendment)

Remove lines 1361-1654 and insert:

Section 11. Subsection (5) of section 333.03, Florida Statutes, is amended to read:

333.03 Requirement to adopt airport zoning regulations.—

(5) Sections 125.01055(7) and 166.04151(7) do not apply to any of the following:

(a) A proposed development ~~near a runway~~ within one-quarter of a mile laterally from the runway edge and within an area that is the width of one-quarter of a mile extending at right angles from the end of the runway for a distance of 10,000 feet of any runway for an existing commercial service airport

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

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

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

Section 12. Paragraph (d) of subsection (1) of section 420.50871, Florida Statutes, is amended, and paragraph (e) is added to subsection (1) of that section, to read:

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

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

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

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

(e) Provide housing in areas of critical housing shortage for essential service and high-demand career employees through a public-private housing partnership agreement with major public and private sector employers for whom housing shortages are affecting the recruitment and retention of workers. Public and private sector employers that partner with developers on these projects shall provide land and financial support for the housing projects. Housing may not be exclusive to any specific

employee group.

Section 13. Section 702.13, Florida Statutes, is created to read:

702.13 Expedited foreclosure proceedings for abandoned real property.-

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

(a) "Abandoned real property" means residential real property that a homeowner does not continue to occupancy or use, and at least three of the following indications of abandonment are met:

1. Furnishings and personal items consistent with residential occupancy are not present on the property;

2. Public utility services, such as gas, electric, or water utilities, are disconnected;

3. Windows on the property are boarded up or closed off; smashed, broken, or unhinged; or window panes are broken and unrepaired;

4. Statements are provided by neighbors, delivery agents, or government employees that the property is vacant;

5. Doors on the property are substantially damaged, broken, unhinged, or conspicuously open;

6. The property is stripped of copper or any other nonferrous metal, including, but not limited to, copper, copper alloy, brass, aluminum, bronze, lead, zinc, nickel, and alloys thereof, or any interior fixtures are removed;

7. At least one report has been received by law enforcement officials of trespassing, vandalism, or other illegal activity on the property within the immediately preceding 6 months;

8. The property has been declared unfit for occupancy and ordered to remain vacant and unoccupied under an order issued by a municipal authority or county authority, or by a court of competent jurisdiction;

9. Construction has been initiated on the property but is discontinued before completion, leaving the property unsuitable for occupancy, and construction has not taken place for at least 12 months;

10. Newspapers, circulars, flyers, or mail has accumulated on the property or the United States Postal Service has discontinued delivery to the property;

11. Rubbish, trash, debris, neglected vegetation, or natural overgrowth has accumulated on the property;

12. Hazardous, noxious, or unhealthy substances or materials have accumulated on the property;

13. The homeowner or a representative for the property cannot be reached after a credible attempt to communicate; or

14. Other credible indications exist indicating that the homeowner has vacated and abandoned the property.

(b) "Claimant" means a person or entity claiming a legal right to initiate a foreclosure action, including:

1. A mortgagee as defined in s. 701.041.

2. A tax lienholder or a tax certificate holder pursuant to chapter 197.

3. A homeowners' association or a condominium association enforcing a lien pursuant to s. 718.116 or s. 720.3085.

4. A county, municipality, or other governmental entity enforcing a lien for:

a. Code violations pursuant to chapter 162.

b. Utility services pursuant to chapter 159 or local ordinance.

c. Environmental cleanup pursuant to chapters 376 and 403.

d. Special assessments pursuant to chapters 170 and 197.

5. A mechanic or laborer enforcing a lien under part II of chapter 713.

6. A judgment lienholder pursuant to chapter 55.

7. State tax authorities enforcing a lien pursuant to s. 213.758 or s. 192.091, including a lien for unpaid taxes administered by the Florida Department of Revenue.

8. Special districts, including, but not limited to, Community Development Districts, enforcing a lien pursuant to chapters 189 and 190.

9. Other governmental or quasi-governmental entities, including water management districts and public hospital boards, enforcing a lien pursuant to s. 373.503 or s. 154.02.

10. A lienholder authorized to request an order to show

cause for the entry of final judgment in a foreclosure action pursuant to s. 702.10.

11. Any other person or entity authorized by general law to initiate a foreclosure action or enforce a lien against real property.

(c) "Delinquent party" means the person or entity against whom a foreclosure action has been initiated, including, but not limited to, a person or entity in arrears or default under the terms of a lien, a mortgage, or any other obligation.

(d) "Mortgagor" has the same meaning as in s. 701.041(1)(d).

(e) "Real property" has the same meaning as in s. 475.801.

(2)(a) In a foreclosure proceeding under this chapter involving residential real property, the claimant may file a motion with the trial court for a judicial determination that the residential real property is abandoned real property. The claimant must file a sworn affidavit with the trial court attesting that the residential real property is "abandoned real property," as defined in subsection (1), and any other relevant documentation, including photographic documentation.

(b) Upon filing of the motion, the trial court shall set the date and time for a hearing on the motion, which must be conducted at least 15 days but no more than 25 days after the filing of the motion.

(3)(a) The claimant shall give written notice to the

homeowner and to each known delinquent party. Notice shall be promptly delivered or sent pursuant to s. 715.104(3) to the last known mailing address of the homeowner and to each known delinquent party. In addition, notice shall be sent to the last known e-mail address of the homeowner and to each known delinquent party, and shall be given by telephone communication to the last known telephone number of the homeowner and each known delinquent party. Notice under this paragraph must include the following information:

1. State that a motion has been filed with the trial court to make a judicial determination as to whether the residential real property is abandoned real property and that a hearing regarding the motion has been set.

2. State the contact information of the trial court to which the motion was filed and the date and location of the hearing on the motion.

3. State the definition of abandoned real property pursuant to subsection (1).

4. State the possible outcomes if the court makes a judicial determination that the residential real property is abandoned real property, including the possibility of an expeditious foreclosure on the property.

5. State that the homeowner or delinquent party has the right to file an affidavit attesting to legal residence at the property, or any other documentation of legal residence at the

property, at the time of the hearing and may appear personally or by way of an attorney at the hearing.

6. State that a mortgagor, lawful occupant, or adverse possessor of the residential real property under s. 95.18 may contact the trial court for information about the motion and hearing or to object on the record to the motion.

7. Provide copies of the motion and any documentation in support of the motion, including photographic and other relevant documentation.

(b) The claimant shall conspicuously post on the residential real property a notice printed in at least 12-point uppercase and boldfaced type. The notice must state the information in paragraph (a)1.-6. The claimant shall file with the trial court photographic documentation of compliance with this paragraph after posting the notice on the residential real property.

(4)(a) At the hearing on the motion, if the trial court finds by a preponderance of the evidence that the residential real property is abandoned real property, the court shall render a declaratory judgment in favor of the claimant and immediately proceed to a trial of foreclosure pursuant to this chapter.

(b) If the trial court finds at the foreclosure trial that the abandoned real property meets all requirements necessary to enter a judgement of foreclosure pursuant to s. 702.036, the court must promptly order the clerk to schedule a public sale of

the abandoned real property pursuant to s. 45.031.

(5)(a) If a mortgagor, a lawful occupant, or a person claiming adverse possession pursuant to s. 95.18 objects to the trial court's judicial determination under subsection(4)(a) and submits the appropriate documentation with the court, the court may not enter a declaratory judgment in favor of the claimant.

(b) If, before the sale of the abandoned real property pursuant to subsection (4)(b), a mortgagor, a lawful occupant, or a person claiming adverse possession pursuant to s. 95.18 presents sufficient evidence to the court that the property is not abandoned real property, the court shall rescind the orders it issued pursuant to subsection (4)(a) and (b).

(6)(a) This section applies to residential real property that is abandoned. Residential real property is abandoned if:

1. The homeowner or delinquent party delivers a written, signed statement declaring the residential real property to be abandoned; or

2. The residential real property is considered "abandoned real property," as defined in subsection (1).

(b) This section does not apply to residential real property that is:

1. Subject to an action to quiet title pursuant to s. 65.011, s. 65.021, s. 65.061, or s. 65.071.

2. Subject to a probate action pursuant to chapter 733.

3. The subject of any other litigation where the ownership

of the property is actively disputed.

4. An unoccupied dwelling or building undergoing construction, renovation, or any other manner of rehabilitation, which complies with all applicable state and local permitting requirements and regulations.

Section 14. Subsection (8) of section 760.22, Florida Statutes, is amended to read:

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

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

Section 15. Section 760.26, Florida Statutes, is amended to read:

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

as defined under s. 420.0004(3).

Section 16. It is the intent of the Legislature that the amendment to s. 760.26, Florida Statutes, is remedial and clarifying in nature, and shall apply retroactively for any causes of action filed on or before the effective date of the passage of this act.

Section 17. Subsection (4) of section 760.35, Florida Statutes, is amended to read:

760.35 Civil actions and relief; administrative procedures.—

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

Section 18. Subsection (29) of section 479.01, Florida Statutes, is amended to read:

479.01 Definitions.—As used in this chapter, the term:

(29) "Zoning category" means the designation under the land development regulations or other similar ordinance enacted to regulate the use of land as provided in s. 163.3202(2)(c) ~~s.~~

~~163.3202(2)(b)~~, which designation sets forth the allowable uses, restrictions, and limitations on use applicable to properties within the category.

Section 19.9. Subsection (12) of section 1001.43, Florida Statutes, is amended to read:

1001.43 Supplemental powers and duties of district school board.—The district school board shall ~~may~~ exercise the following supplemental powers and duties as authorized by this code or State Board of Education rule.

(12) AFFORDABLE HOUSING.—

(a) A district school board shall ~~may~~ use portions of school sites purchased within the guidelines of the State Requirements for Educational Facilities, land deemed not usable for educational purposes because of location or other factors, or land declared as surplus by the board ~~to provide sites for affordable housing for teachers and other district personnel and, in areas of critical state concern, for other essential services personnel as defined by local affordable housing eligibility requirements, independently or in conjunction with other agencies as described in subsection (5)~~.

(b) Each district school board shall adopt best practices for surplus land programs, including, but not limited to:

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

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

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

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

T I T L E A M E N D M E N T

Remove lines 157-167 and insert:
instances; providing applicability; amending s. 760.22, F.S.; revising the definition of the term "person"; amending s. 760.26, F.S.; prohibiting discrimination in land use decisions and in permitting of development based on a development or proposed development being affordable housing; providing applicability; amending s. 760.35, F.S.; revising provisions relating to the issuance of a court order prohibiting a discriminatory housing practice; providing for waiver of sovereign immunity; amending s. 479.01, F.S.; conforming a cross-reference;

amending s. 1001.43, F.S.; requiring district school boards to exercise specified supplemental powers and duties as it related to affordable housing; providing an effective date.