A bill to be entitled

An act relating to housing; creating s. 83.471, F.S.; providing definitions; authorizing a landlord to accept reusable tenant screening reports and require a specified statement; requiring that certain information be included in reusable tenant screening reports; prohibiting a landlord from charging certain fees to an applicant using a reusable tenant screening report; providing applicability; amending s. 163.31771, F.S.; defining the term "primary dwelling unit"; requiring, rather than authorizing, local governments to adopt, by a specified date, an ordinance to allow accessory dwelling units in certain areas; requiring such ordinances to apply prospectively; prohibiting such ordinances from including certain requirements; removing a requirement that an application for a building permit to construct an accessory dwelling unit include a certain affidavit; revising the accessory dwelling units that apply toward satisfying a certain component of a local government's comprehensive plan; specifying that accessory dwelling units that provide affordable rental housing shall apply towards satisfying a certain component of a local government's comprehensive plan; prohibiting the denial of a

homestead exemption for certain portions of property on a specified basis; requiring that a rented accessory dwelling unit be assessed separately from the homestead property and taxed according to its use; providing an exception; prohibiting local governments from adopting an ordinance to allow accessory dwelling units in areas of critical state concern; amending s. 420.615, F.S.; authorizing a local government to provide a density bonus incentive to landowners who make certain real property donations to assist in the provision of affordable housing for military families; requiring the Office of Program Policy Analysis and Government Accountability to evaluate the efficacy of using mezzanine finance and the potential of tiny homes for specified purposes; requiring the office to consult with certain entities; requiring the office to submit a certain report to the Legislature by a specified date; amending s. 553.80, F.S.; providing that the use of certain dwellings as, or the conversion of such dwellings into, certain residences is not a change in occupancy as defined in the Florida Building Code; amending s. 633.208, F.S.; providing that the use of certain dwellings as, or the conversion of such dwellings into, certain residences does not require the reclassification of such

dwellings for purposes of enforcing the Florida Fire Prevention Code; providing an effective date.

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

Section 1. Section 83.471, Florida Statutes, is created to read:

83.471 Reusable tenant screening reports.—

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

(a)1. "Consumer report" means any written, oral, or other communication of information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer's eligibility for credit or insurance to be used primarily for personal, family, or household purposes; employment purposes; or any other purpose authorized under 15 U.S.C. s. 1681b.

2. Except for the restrictions provided in 15 U.S.C. s. 1681a(d)(3), the term "consumer report" does not include:

a. Subject to 15 U.S.C. s. 1681s-3, any report containing information solely as to transactions or experiences between the consumer and the person making the report; communication of such information among persons related by common ownership or

affiliated by corporate control; or communication of other information among persons related by common ownership or affiliated by corporate control, if it is clearly and conspicuously disclosed to the consumer that the information may be communicated among such persons and the consumer is given the opportunity, before the time that the information is initially communicated, to direct that such information not be communicated among such persons;

b. Any authorization or approval of a specific extension of credit directly or indirectly by the issuer of a credit card or similar device;

c. Any report in which a person who has been requested by a third party to make a specific extension of credit directly or indirectly to a consumer conveys his or her decision with respect to such request, if the third party advises the consumer of the name and address of the person to whom the request was made, and such person makes the disclosures to the consumer required under 15 U.S.C. s. 1681m; or

d. A communication described in 15 U.S.C. s. 1681a(o) or s. 1681a(x).

(b) "Consumer reporting agency" means any person who, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer

reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

(c) "Reusable tenant screening report" means a consumer report that:

1. Is prepared within the previous 30 days by a consumer reporting agency at the request and expense of an applicant.

2. Is made directly available to a landlord for use in the rental application process or is provided through a third-party website that regularly engages in the business of providing a reusable tenant screening report and complies with all state and federal laws pertaining to use and disclosure of information contained in a consumer report by a consumer reporting agency.

3. Is available to the landlord at no cost to access or use.

(2) A landlord may accept reusable tenant screening reports and may require an applicant to state that there has not been a material change to the information in the reusable tenant screening report.

(3) A reusable tenant screening report must include all of the following information:

(a) The applicant's full name.

(b) The applicant's contact information, including mailing address, e-mail address, and telephone number.

(c) Verification of the applicant's employment.

(d) The applicant's last known address.

(e) The results of an eviction history check in a manner and for a period of time consistent with applicable law related to the consideration of eviction history in housing.

(f) The date through which the information contained in the report is current.

(4) If an applicant provides a reusable tenant screening report to a landlord who accepts such reports, the landlord may not charge the applicant a fee to access the report or an application screening fee.

(5) This section does not:

(a) Affect any other applicable law related to the consideration of criminal history information in housing; or

(b) Require a landlord to accept reusable tenant screening reports.

Section 2. Subsections (3) and (4) and present subsection (5) of section 163.31771, Florida Statutes, are amended, paragraph (h) is added to subsection (2) of that section, and a new subsection (5) is added to that section, to read:

163.31771 Accessory dwelling units.—

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

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

(3) By December 1, 2025, a local government shall ~~may~~

adopt an ordinance to allow accessory dwelling units in any area zoned for single-family residential use. Such ordinance shall apply prospectively to accessory dwelling units approved after the date the ordinance is adopted. Such ordinance may regulate the permitting, construction, and use of an accessory dwelling unit, but may not do any of the following:

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

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

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

~~(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 which provides affordable rental housing 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) The owner of a property with an accessory dwelling unit may not be denied a homestead exemption for those portions of property on which the owner maintains a permanent residence solely on the basis of the property containing an accessory dwelling unit that is or may be rented to another person. However, if the accessory dwelling unit is rented to another person, the accessory dwelling unit must be assessed separately from the homestead property and taxed according to its use.

(6) Notwithstanding subsections (1) through (5), a local government may not adopt an ordinance to allow accessory dwelling units within any area of critical state concern as designated in ss. 380.055, 380.0551, 380.0552, 380.0553, and 380.0555.

Section 3. Subsection (1) of section 420.615, Florida Statutes, is amended to read:

420.615 Affordable housing land donation density bonus incentives.—

(1) A local government may provide density bonus incentives pursuant to the provisions of this section to any landowner who voluntarily donates fee simple interest in real property to the local government for the purpose of assisting the local government in providing affordable housing, including housing that is affordable for military families receiving the basic allowance for housing. Donated real property must be determined by the local government to be appropriate for use as

affordable housing and must be subject to deed restrictions to ensure that the property will be used for affordable housing.

Section 4. The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall evaluate the efficacy of using mezzanine finance, or second-position short-term debt, to stimulate the construction of owner-occupied housing that is affordable as defined in s. 420.0004(3), Florida Statutes, in this state. OPPAGA shall also evaluate the potential of tiny homes in meeting the need for affordable housing in this state. OPPAGA shall consult with the Florida Housing Finance Corporation and the Shimberg Center for Housing Studies at the University of Florida in conducting its evaluation. By December 31, 2026, OPPAGA shall submit a report of its findings to the President of the Senate and the Speaker of the House of Representatives. Such report must include recommendations for the structuring of a model mezzanine finance program.

Section 5. Subsection (10) of section 553.80, Florida Statutes, is amended to read:

553.80 Enforcement.—

(10) A single-family or two-family dwelling does not have a change of occupancy as defined in the Florida Building Code solely due to such dwelling's use as or conversion ~~that is converted~~ into:

(a) A certified recovery residence, as defined in s. 397.311, or a recovery residence, as defined in s. 397.311, that

has a charter from an entity recognized or sanctioned by Congress; or

(b) A residence owned by a tax-exempt charitable organization under s. 501(c)(3) of the Internal Revenue Code whose stated corporate purpose relates to the support of people who are living with a mental health disorder, which has no fewer than two and no more than four bedrooms, is occupied by a group or family of no more than six ambulatory adults living with a mental health disorder, and has no more than two adults assigned to any bedroom ~~does not have a change of occupancy as defined in the Florida Building Code solely due to such conversion~~.

Section 6. Subsection (11) of section 633.208, Florida Statutes, is amended to read:

633.208 Minimum firesafety standards.—

(11) Notwithstanding subsection (8), a single-family or two-family dwelling may not be reclassified for purposes of enforcing the Florida Fire Prevention Code solely due to such dwelling's use as or conversion into:

(a) ~~that is~~ A certified recovery residence, as defined in s. 397.311, or ~~that is~~ a recovery residence, as defined in s. 397.311, that has a charter from an entity recognized or sanctioned by Congress; or

(b) A residence owned by a tax-exempt charitable organization under s. 501(c)(3) of the Internal Revenue Code whose stated corporate purpose relates to the support of people

who are living with a mental health disorder, which has no fewer than two and no more than four bedrooms, is occupied by a group or family of no more than six ambulatory adults living with a mental health disorder, and has no more than two adults assigned to any bedroom ~~may not be reclassified for purposes of enforcing the Florida Fire Prevention Code solely due to such use~~

Section 7. This act shall take effect July 1, 2025.