



371658

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/10/2024	.	
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The Committee on Community Affairs (Osgood) recommended the following:

1 **Senate Amendment to Amendment (477146) (with title**
2 **amendment)**

3
4 Delete lines 6 - 183
5 and insert:

6 Section 1. Subsection (7) of section 125.01055, Florida
7 Statutes, is amended, and subsection (8) is added to that
8 section, to read:

9 125.01055 Affordable housing.—

10 (7) (a) A county must authorize multifamily and mixed-use



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11 residential as allowable uses in any area zoned for commercial,
12 ~~industrial~~, or mixed use if at least 40 percent of the
13 residential units in a proposed multifamily ~~rental~~ development
14 are rental units that, for a period of at least 30 years, are
15 affordable as defined in s. 420.0004. Notwithstanding any other
16 law, local ordinance, or regulation to the contrary, a county
17 may not require a proposed multifamily development to obtain a
18 zoning or land use change, special exception, conditional use
19 approval, variance, or comprehensive plan amendment for the
20 building height, zoning, and densities authorized under this
21 subsection. For mixed-use residential projects, at least 65
22 percent of the total square footage must be used for residential
23 purposes.

24 (b) A county may not restrict the density or floor area
25 ratio of a proposed development authorized under this subsection
26 below the highest currently allowed density or floor area ratio
27 on any unincorporated land in the county where residential
28 development is allowed under the county's land development
29 regulations. The currently allowed density or floor area ratio
30 does not include the density or floor area ratio of any
31 development that meets the requirements of this subsection or
32 any bonus, variance, or other special exception for density or
33 floor area ratio provided in the county's land development
34 regulations as an incentive for development.

35 (c) A county may not restrict the height of a proposed
36 development authorized under this subsection below the highest
37 currently allowed height for a commercial or residential
38 building development located in its jurisdiction within one-
39 quarter 1/4 mile of the proposed development or 3 stories,



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40 whichever is higher. If the height of each building on property
41 adjacent to the proposed development is 3 stories or less, the
42 county may restrict the height of the proposed development to
43 135 percent of the tallest building on property adjacent to the
44 proposed development or 3 stories, whichever is higher. The
45 currently allowed height does not include the height of any
46 development that meets the requirements of this subsection or
47 any bonus, variance, or other special exception for height
48 provided in the county's land development regulations as an
49 incentive for development.

50 (d) A proposed development authorized under this subsection
51 must be administratively approved and no further action by the
52 board of county commissioners is required if the development
53 satisfies the county's land development regulations for
54 multifamily developments in areas zoned for such use and is
55 otherwise consistent with the comprehensive plan, with the
56 exception of provisions establishing allowable densities,
57 height, and land use. Such land development regulations include,
58 but are not limited to, regulations relating to setbacks and
59 parking requirements. A proposed development located within one-
60 quarter mile of a military installation identified in s.
61 163.3175(2) may not be administratively approved. Each county
62 shall maintain on its website a policy containing procedures and
63 expectations for administrative approval pursuant to this
64 subsection.

65 (e)1. A county must consider reducing parking requirements
66 for a proposed development authorized under this subsection if
67 the development is located within one-quarter ~~one-half~~ mile of a
68 ~~major~~ transit stop, as defined in the county's land development



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69 code, and the ~~major~~ transit stop is accessible from the
70 development.

71 2. A county must reduce parking requirements for a proposed
72 development authorized under this subsection if the development
73 is located within one-half mile of a major transportation hub
74 that is accessible from the development by safe, pedestrian-
75 friendly means, such as sidewalks, crosswalks, elevated
76 pedestrian or bike paths, or other multimodal design features.

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

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

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

94 (g) A development authorized under this section which is
95 located within a transit-oriented development or area, as
96 recognized by the county, must be mixed-use residential and
97 otherwise comply with requirements of the county's regulations



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98 applicable to the transit-oriented development or area except
99 for use, height, density, and floor area ratio as provided in
100 this section or as otherwise agreed to by the county and the
101 applicant for the development.

102 (h) Except as otherwise provided in this subsection, a
103 development authorized under this subsection must comply with
104 all applicable state and local laws and regulations.

105 (i) ~~(h)~~ This subsection does not apply to airport-impacted
106 areas as provided in s. 333.03 ~~property defined as recreational~~
107 and ~~commercial working waterfront in s. 342.201(2) (b) in any~~
108 area zoned as industrial.

109 (j) ~~(i)~~ This subsection expires October 1, 2033.

110 (8) Any development authorized under paragraph (7) (a) must
111 be treated as a conforming use even after the expiration of
112 subsection (7) and the development's affordability period as
113 provided in paragraph (7) (a), notwithstanding the county's
114 comprehensive plan, future land use designation, or zoning. If
115 at any point during the development's affordability period the
116 development violates the affordability period requirement
117 provided in paragraph (7) (a), the development must be allowed a
118 reasonable time to cure such violation. If the violation is not
119 cured within a reasonable time, the development must be treated
120 as a nonconforming use.

121 Section 2. Subsection (7) of section 166.04151, Florida
122 Statutes, is amended, and subsection (8) is added to that
123 section, to read:

124 166.04151 Affordable housing.—

125 (7) (a) A municipality must authorize multifamily and mixed-
126 use residential as allowable uses in any area zoned for



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127 commercial, ~~industrial~~, or mixed use if at least 40 percent of
128 the residential units in a proposed multifamily ~~rental~~
129 development are rental units that, for a period of at least 30
130 years, are affordable as defined in s. 420.0004. Notwithstanding
131 any other law, local ordinance, or regulation to the contrary, a
132 municipality may not require a proposed multifamily development
133 to obtain a zoning or land use change, special exception,
134 conditional use approval, variance, or comprehensive plan
135 amendment for the building height, zoning, and densities
136 authorized under this subsection. For mixed-use residential
137 projects, at least 65 percent of the total square footage must
138 be used for residential purposes.

139 (b) A municipality may not restrict the density or floor
140 area ratio of a proposed development authorized under this
141 subsection below the highest currently allowed density or floor
142 area ratio on any land in the municipality where residential
143 development is allowed under the municipality's land development
144 regulations. The currently allowed density or floor area ratio
145 does not include the density or floor area ratio of any
146 development that meets the requirements of this subsection or
147 any bonus, variance, or other special exception for density or
148 floor area ratio provided in the municipality's land development
149 regulations as an incentive for development.

150 (c) A municipality may not restrict the height of a
151 proposed development authorized under this subsection below the
152 highest currently allowed height for a commercial or residential
153 building development located in its jurisdiction within one-
154 quarter ± mile of the proposed development or 3 stories,
155 whichever is higher. If the height of each building on property



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156 adjacent to the proposed development is 3 stories or less, the
157 municipality may restrict the height to 135 percent of the
158 tallest building on property adjacent to the proposed
159 development or 3 stories, whichever is higher. The currently
160 allowed height does not include the height of any development
161 that meets the requirements of this subsection or any bonus,
162 variance, or other special exception for height provided in the
163 municipality's land development regulations as an incentive for
164 development.

165 (d) A proposed development authorized under this subsection
166 must be administratively approved and no further action by the
167 governing body of the municipality is required if the
168 development satisfies the municipality's land development
169 regulations for multifamily developments in areas zoned for such
170 use and is otherwise consistent with the comprehensive plan,
171 with the exception of provisions establishing allowable
172 densities, height, and land use. Such land development
173 regulations include, but are not limited to, regulations
174 relating to setbacks and parking requirements. A proposed
175 development located within one-quarter mile of a military
176 installation identified in s. 163.3175(2) may not be
177 administratively approved. Each municipality shall maintain on
178 its website a policy containing procedures and expectations for
179 administrative approval pursuant to this subsection.

180 (e)1. A municipality must consider reducing parking
181 requirements for a proposed development authorized under this
182 subsection if the development is located within one-quarter ~~one-~~
183 ~~half~~ mile of a ~~major~~ transit stop, as defined in the
184 municipality's land development code, and the ~~major~~ transit stop



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185 is accessible from the development.

186 2. A municipality must reduce parking requirements for a
187 proposed development authorized under this subsection if the
188 development is located within one-half mile of a major
189 transportation hub that is accessible from the development by
190 safe, pedestrian-friendly means, such as sidewalks, crosswalks,
191 elevated pedestrian or bike paths, or other multimodal design
192 features.

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

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

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

208 (g) A development authorized under this section which is
209 located within a transit-oriented development or area, as
210 recognized by the municipality, must be mixed-use residential
211 and otherwise comply with requirements of the municipality's
212 regulations applicable to the transit-oriented development or
213 area except for use, height, density, and floor area ratio as



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214 provided in this section or as otherwise agreed to by the
215 municipality and the applicant for the development.

216 (h) Except as otherwise provided in this subsection, a
217 development authorized under this subsection must comply with
218 all applicable state and local laws and regulations.

219 (i)~~(h)~~ This subsection does not apply to airport-impacted
220 areas as provided in s. 333.03 ~~property defined as recreational~~
221 ~~and commercial working waterfront in s. 342.201(2)(b) in any~~
222 ~~area zoned as industrial.~~

223 (j)~~(i)~~ This subsection expires October 1, 2033.
224

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

226 And the title is amended as follows:

227 Delete line 539

228 and insert:

229 websites; requiring counties and municipalities,
230 respectively, to consider reducing parking
231 requirements under certain circumstances; requiring
232 counties and municipalities, respectively, to reduce
233 or eliminate parking requirements for certain proposed
234 mixed-use developments that meet certain requirements;
235 defining the term "major transportation hub";
236 providing certain requirements for developments
237 located within a transit-oriented development or area;
238 making technical changes; providing