

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Lopez, V. offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsection (6) and paragraphs (a) through (f), (k), and (l) of subsection (7) of section 125.01055, Florida Statutes, are amended, new paragraphs (k) through (n) are added to subsection (7), and subsections (9) and (10) are added to that section, to read:

125.01055 Affordable housing.—

(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

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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, which is owned by a religious institution as defined in s. 170.201(2) which contains a house of public worship, regardless of 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) A county must authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use, and in portions of any flexibly zoned area such as a planned unit development permitted for commercial, industrial, or mixed use, if at least 40 percent of the residential units in a proposed multifamily development are rental units that, for a period of at least 30 years, are affordable as defined in s. 420.0004. Notwithstanding any other law, local ordinance, or regulation to the contrary, a county may not require a proposed multifamily development to obtain a zoning or land use change, special exception, conditional use approval, variance, transfer of density or development units, amendment to a development of regional impact, or comprehensive plan amendment for the building height, zoning, and densities

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39 authorized under this subsection. For mixed-use residential
40 projects, at least 65 percent of the total square footage must
41 be used for residential purposes. The county may not require
42 that more than 10 percent of the total square footage of such
43 mixed-use residential projects be used for nonresidential
44 purposes.

45 (b) A county may not restrict the density of a proposed
46 development authorized under this subsection below the highest
47 currently allowed, or allowed on July 1, 2023, density on any
48 unincorporated land in the county where residential development
49 is allowed under the county's land development regulations. For
50 purposes of this paragraph, the term "highest currently allowed
51 density" does not include the density of any building that met
52 the requirements of this subsection or the density of any
53 building that has received any bonus, variance, or other special
54 exception for density provided in the county's land development
55 regulations as an incentive for development. For purposes of
56 this paragraph, "highest currently allowed, or allowed on July
57 1, 2023," means whichever is least restrictive at the time of
58 development.

59 (c) A county may not restrict the floor area ratio of a
60 proposed development authorized under this subsection below 150
61 percent of the highest currently allowed, or allowed on July 1,
62 2023, floor area ratio on any unincorporated land in the county
63 where development is allowed under the county's land development

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64 regulations. For purposes of this paragraph, the term "highest
65 currently allowed floor area ratio" does not include the floor
66 area ratio of any building that met the requirements of this
67 subsection or the floor area ratio of any building that has
68 received any bonus, variance, or other special exception for
69 floor area ratio provided in the county's land development
70 regulations as an incentive for development. For purposes of
71 this subsection, the term "floor area ratio" includes floor lot
72 ratio and lot coverage.

73 (d)1. A county may not restrict the height of a proposed
74 development authorized under this subsection below the highest
75 currently allowed, or allowed on July 1, 2023, height for a
76 commercial or residential building located in its jurisdiction
77 within 1 mile of the proposed development or 3 stories,
78 whichever is higher. For purposes of this paragraph, the term
79 "highest currently allowed height" does not include the height
80 of any building that met the requirements of this subsection or
81 the height of any building that has received any bonus,
82 variance, or other special exception for height provided in the
83 county's land development regulations as an incentive for
84 development.

85 2. If the proposed development is adjacent to, on two or
86 more sides, a parcel zoned for single-family residential use
87 which is within a single-family residential development with at
88 least 25 contiguous single-family homes, the county may restrict

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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, or allowed on July 1, 2023, height for the property provided in the county's land development regulations, or 3 stories, whichever is higher, not to exceed 10 stories. 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.

3. If the proposed development is on a parcel with a contributing structure or building within a historic district which was listed in the National Register of Historic Places before January 1, 2000, or is on a parcel with a structure or building individually listed in the National Register of Historic Places, the county may restrict the height of the proposed development to the highest currently allowed, or allowed on July 1, 2023, height for a commercial or residential building located in its jurisdiction within three-fourths of a mile of the proposed development or 3 stories, whichever is higher. The term "highest currently allowed" in this paragraph includes the maximum height allowed for any building in a zoning district irrespective of any conditions.

(e) A proposed development authorized under this subsection must be administratively approved without ~~and no~~ further action by the board of county commissioners or any

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114 quasi-judicial or administrative board or reviewing body ~~is~~
115 ~~required~~ if the development satisfies the county's land
116 development regulations for multifamily developments in areas
117 zoned for such use and is otherwise consistent with the
118 comprehensive plan, with the exception of provisions
119 establishing allowable densities, floor area ratios, height, and
120 land use. Such land development regulations include, but are not
121 limited to, regulations relating to setbacks and parking
122 requirements. A proposed development located within one-quarter
123 mile of a military installation identified in s. 163.3175(2) may
124 not be administratively approved. Each county shall maintain on
125 its website a policy containing procedures and expectations for
126 administrative approval pursuant to this subsection. The county
127 must administratively approve the demolition of an existing
128 structure associated with a proposed development under this
129 subsection, without further action by the board of county
130 commissioners or any quasi-judicial or administrative board or
131 reviewing body, if the proposed demolition otherwise complies
132 with all state and local regulations. This paragraph does not
133 apply to a structure that is, as of July 1, 2023, classified as
134 "contributing" in a local government historic properties
135 database. For purposes of this paragraph, the rear portion of a
136 structure abutting or facing an alley may not be deemed
137 "contributing." For purposes of this paragraph, the term
138 "allowable density" means the density prescribed for the

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property in accordance with this subsection without additional requirements to procure and transfer density units or development units from other properties.

(f)1. A county must, upon request of an applicant, reduce ~~consider reducing~~ parking requirements by 15 percent for a proposed development authorized under this subsection if the development:

a. 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:~~

~~b.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

~~c.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.

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163 ~~2.3.~~ A county must eliminate parking requirements for a
164 proposed mixed-use residential development authorized under this
165 subsection within an area recognized by the county as a transit-
166 oriented development or area, as provided in paragraph (h).

167 ~~3.4.~~ For purposes of this paragraph, the term "major
168 transportation hub" means any transit station, whether bus,
169 train, or light rail, which is served by public transit with a
170 mix of other transportation options.

171 (k) Notwithstanding any other law or local ordinance or
172 regulation to the contrary, a county may allow an adjacent
173 parcel of land to be included within a proposed multifamily
174 development authorized under this subsection.

175 (l) The court shall give any civil action filed against a
176 county for a violation of this subsection priority over other
177 pending cases and render a preliminary or final decision as
178 expeditiously as possible.

179 (m) If a civil action is filed against a county for a
180 violation of this subsection, the court must assess and award
181 reasonable attorney fees and costs to the prevailing party. An
182 award of reasonable attorney fees or costs pursuant to this
183 subsection may not exceed \$250,000. In addition, a prevailing
184 party may not recover any attorney fees or costs directly
185 incurred by or associated with litigation to determine an award
186 of reasonable attorney fees or costs.

187 (n) As used in this subsection, the term:

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188 1. "Commercial use" means activities associated with the
189 sale, rental, or distribution of products or the performance of
190 services related thereto. The term includes, but is not limited
191 to, such uses or activities as retail sales; wholesale sales;
192 rentals of equipment, goods, or products; offices; restaurants;
193 public lodging establishments as described in s. 509.242(1)(a);
194 food service vendors; sports arenas; theaters; tourist
195 attractions; and other for-profit business activities. A parcel
196 zoned to permit such uses by right without the requirement to
197 obtain a variance or waiver is considered commercial use for the
198 purposes of this section, irrespective of the local land
199 development regulation's listed category or title. The term does
200 not include home-based businesses or cottage food operations
201 undertaken on residential property, public lodging
202 establishments as described in s. 509.242(1)(c), or uses that
203 are accessory, ancillary, incidental to the allowable uses, or
204 allowed only on a temporary basis. Recreational uses, such as
205 golf courses, tennis courts, swimming pools, and clubhouses,
206 within an area designated for residential use are not commercial
207 use, irrespective of how they are operated.

208 2. "Industrial use" means activities associated with the
209 manufacture, assembly, processing, or storage of products or the
210 performance of services related thereto. The term includes, but
211 is not limited to, such uses or activities as automobile
212 manufacturing or repair, boat manufacturing or repair, junk

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yards, meat packing facilities, citrus processing and packing facilities, produce processing and packing facilities, electrical generating plants, water treatment plants, sewage treatment plants, and solid waste disposal sites. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered industrial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not industrial use, irrespective of how they are operated.

3. "Mixed use" means any use that combines multiple types of approved land uses from at least two of the residential use, commercial use, and industrial use categories. The term does not include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis.

Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not mixed use, irrespective of how they are operated.

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

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

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

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

240 3. The Wekiva Study Area, as described in s. 369.316.

241 4. The Everglades Protection Area, as defined in s.
242 373.4592(2).

243 (p) ~~(1)~~ This subsection expires October 1, 2033.

244 (9)(a) Except as provided in paragraphs (b) and (d), a
245 county may not enforce a building moratorium that has the effect
246 of delaying the permitting or construction of a multifamily
247 residential or mixed-use residential development authorized
248 under subsection (7).

249 (b) A county may, by ordinance, impose or enforce such a
250 building moratorium for no more than 90 days in any 3-year
251 period. Before adoption of such a building moratorium, the
252 county shall prepare or cause to be prepared an assessment of
253 the county's need for affordable housing at the extremely-low-
254 income, very-low-income, low-income, or moderate-income limits
255 specified in s. 420.0004, including projections of such need for
256 the next 5 years. This assessment must be posted on the county's
257 website by the date the notice of proposed enactment is
258 published, and presented at the same public meeting at which the
259 proposed ordinance imposing the building moratorium is adopted
260 by the board of county commissioners. This assessment must be
261 included in the business impact estimate for the ordinance
262 imposing such a moratorium required by s. 125.66(3).

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(c) If a civil action is filed against a county for a violation of this subsection, the court must assess and award reasonable attorney fees and costs to the prevailing party. An award of reasonable attorney fees or costs pursuant to this subsection may not exceed \$250,000. In addition, a prevailing party may not recover any attorney fees or costs directly incurred by or associated with litigation to determine an award of reasonable attorney fees or costs.

(d) This subsection does not apply to moratoria imposed or enforced to address stormwater or flood water management, to address the supply of potable water, or due to the necessary repair of sanitary sewer systems, if such moratoria apply equally to all types of multifamily or mixed-use residential development.

(10) (a) Beginning November 1, 2026, each county must provide an annual report to the state land planning agency which includes:

1. A summary of litigation relating to subsection (7) that was initiated, remains pending, or was resolved during the previous fiscal year.

2. A list of all projects proposed or approved under subsection (7) during the previous fiscal year. For each project, the report must include, at a minimum, the project's size, density, and intensity and the total number of units

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287 proposed, including the number of affordable units and
288 associated targeted household incomes.

289 (b) The state land planning agency shall compile the
290 information received under this subsection and submit the
291 information to the Governor, the President of the Senate, and
292 the Speaker of the House of Representatives annually by February
293 1.

294 **Section 2. Subsection (6) and paragraphs (a) through (f),**
295 **(k), and (l) of subsection (7) of section 166.04151, Florida**
296 **Statutes, are amended, new paragraphs (k) through (n) are added**
297 **to subsection (7), and subsections (9) and (10) are added to**
298 **that section, to read:**

299 166.04151 Affordable housing.—

300 (6) Notwithstanding any other law or local ordinance or
301 regulation to the contrary, the governing body of a municipality
302 may approve the development of housing that is affordable, as
303 defined in s. 420.0004, including, but not limited to, a mixed-
304 use residential development, on any parcel zoned for commercial
305 or industrial use, or on any parcel, including any contiguous
306 parcel connected thereto, which is owned by a religious
307 institution as defined in s. 170.201(2) which contains a house
308 of public worship, regardless of underlying zoning, so long as
309 at least 10 percent of the units included in the project are for
310 housing that is affordable. The provisions of this subsection
311 are self-executing and do not require the governing body to

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312 adopt an ordinance or a regulation before using the approval
313 process in this subsection.

314 (7)(a) A municipality must authorize multifamily and
315 mixed-use residential as allowable uses in any area zoned for
316 commercial, industrial, or mixed use, and in portions of any
317 flexibly zoned area such as a planned unit development permitted
318 for commercial, industrial, or mixed use, if at least 40 percent
319 of the residential units in a proposed multifamily development
320 are rental units that, for a period of at least 30 years, are
321 affordable as defined in s. 420.0004. Notwithstanding any other
322 law, local ordinance, or regulation to the contrary, a
323 municipality may not require a proposed multifamily development
324 to obtain a zoning or land use change, special exception,
325 conditional use approval, variance, transfer of density or
326 development units, amendment to a development of regional
327 impact, amendment to a municipal charter, or comprehensive plan
328 amendment for the building height, zoning, and densities
329 authorized under this subsection. For mixed-use residential
330 projects, at least 65 percent of the total square footage must
331 be used for residential purposes. The municipality may not
332 require that more than 10 percent of the total square footage of
333 such mixed-use residential projects be used for nonresidential
334 purposes.

335 (b) A municipality may not restrict the density of a
336 proposed development authorized under this subsection below the

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337 highest currently allowed, or allowed on July 1, 2023, density
338 on any land in the municipality where residential development is
339 allowed under the municipality's land development regulations.
340 For purposes of this paragraph, the term "highest currently
341 allowed density" does not include the density of any building
342 that met the requirements of this subsection or the density of
343 any building that has received any bonus, variance, or other
344 special exception for density provided in the municipality's
345 land development regulations as an incentive for development.
346 For purposes of this paragraph, "highest currently allowed, or
347 allowed on July 1, 2023," means whichever is least restrictive
348 at the time of development.

349 (c) A municipality may not restrict the floor area ratio
350 of a proposed development authorized under this subsection below
351 150 percent of the highest currently allowed, or allowed on July
352 1, 2023, floor area ratio on any land in the municipality where
353 development is allowed under the municipality's land development
354 regulations. For purposes of this paragraph, the term "highest
355 currently allowed floor area ratio" does not include the floor
356 area ratio of any building that met the requirements of this
357 subsection or the floor area ratio of any building that has
358 received any bonus, variance, or other special exception for
359 floor area ratio provided in the municipality's land development
360 regulations as an incentive for development. For purposes of

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361 this subsection, the term "floor area ratio" includes floor lot
362 ratio and lot coverage.

363 (d)1. A municipality may not restrict the height of a
364 proposed development authorized under this subsection below the
365 highest currently allowed, or allowed on July 1, 2023, height
366 for a commercial or residential building located in its
367 jurisdiction within 1 mile of the proposed development or 3
368 stories, whichever is higher. For purposes of this paragraph,
369 the term "highest currently allowed height" does not include the
370 height of any building that met the requirements of this
371 subsection or the height of any building that has received any
372 bonus, variance, or other special exception for height provided
373 in the municipality's land development regulations as an
374 incentive for development.

375 2. If the proposed development is adjacent to, on two or
376 more sides, a parcel zoned for single-family residential use
377 that is within a single-family residential development with at
378 least 25 contiguous single-family homes, the municipality may
379 restrict the height of the proposed development to 150 percent
380 of the tallest building on any property adjacent to the proposed
381 development, the highest currently allowed, or allowed on July
382 1, 2023, height for the property provided in the municipality's
383 land development regulations, or 3 stories, whichever is higher,
384 not to exceed 10 stories. For the purposes of this paragraph,
385 the term "adjacent to" means those properties sharing more than

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one point of a property line, but does not include properties separated by a public road or body of water, including manmade lakes or ponds. For a proposed development located within a municipality within an area of critical state concern as designated by s. 380.0552 or chapter 28-36, Florida Administrative Code, the term "story" includes only the habitable space above the base flood elevation as designated by the Federal Emergency Management Agency in the most current Flood Insurance Rate Map. A story may not exceed 10 feet in height measured from finished floor to finished floor, including space for mechanical equipment. The highest story may not exceed 10 feet from finished floor to the top plate.

3. If the proposed development is on a parcel with a contributing structure or building within a historic district which was listed in the National Register of Historic Places before January 1, 2000, or is on a parcel with a structure or building individually listed in the National Register of Historic Places, the municipality may restrict the height of the proposed development to the highest currently allowed, or allowed on July 1, 2023, height for a commercial or residential building located in its jurisdiction within three-fourths of a mile of the proposed development or 3 stories, whichever is higher. The term "highest currently allowed" in this paragraph includes the maximum height allowed for any building in a zoning district irrespective of any conditions.

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(e) A proposed development authorized under this subsection must be administratively approved without ~~and no~~ further action by the governing body of the municipality or any quasi-judicial or administrative board or reviewing body ~~is required~~ if the development satisfies the municipality's land development regulations for multifamily developments in areas zoned for such use and is otherwise consistent with the comprehensive plan, with the exception of provisions establishing allowable densities, floor area ratios, height, and land use. Such land development regulations include, but are not limited to, regulations relating to setbacks and parking requirements. A proposed development located within one-quarter mile of a military installation identified in s. 163.3175(2) may not be administratively approved. Each municipality shall maintain on its website a policy containing procedures and expectations for administrative approval pursuant to this subsection. The municipality must administratively approve the demolition of an existing structure associated with a proposed development under this subsection, without further action by the governing body of the municipality or any quasi-judicial or administrative board or reviewing body, if the proposed demolition otherwise complies with all state and local regulations. This paragraph does not apply to a structure that is, as of July 1, 2023, classified as "contributing" in a local government historic properties database. For purposes of this

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paragraph, the rear portion of a structure abutting or facing an alley may not be deemed "contributing." For purposes of this paragraph, the term "allowable density" means the density prescribed for the property in accordance with this subsection without additional requirements to procure and transfer density units or development units from other properties.

(f)1. A municipality must, upon request of an applicant, ~~reduce~~ ~~consider reducing~~ parking requirements for a proposed development authorized under this subsection by 15 percent if the development:

a. 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:~~

~~b.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~~;~~

~~c.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

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may not require that the available parking compensate for the reduction in parking requirements.

~~2.3.~~ 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 (h).

~~3.4.~~ 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.

(k) Notwithstanding any other law or local ordinance or regulation to the contrary, a municipality may allow an adjacent parcel of land to be included within a proposed multifamily development authorized under this subsection.

(l) The court shall give any civil action filed against a municipality for a violation of this subsection priority over other pending cases and render a preliminary or final decision as expeditiously as possible.

(m) If a civil action is filed against a municipality for a violation of this subsection, the court must assess and award reasonable attorney fees and costs to the prevailing party. An award of reasonable attorney fees or costs pursuant to this subsection may not exceed \$250,000. In addition, a prevailing party may not recover any attorney fees or costs directly

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486 incurred by or associated with litigation to determine an award
487 of reasonable attorney fees or costs.

488 (n) As used in this subsection, the term:

489 1. "Commercial use" means activities associated with the
490 sale, rental, or distribution of products or the performance of
491 services related thereto. The term includes, but is not limited
492 to, such uses or activities as retail sales; wholesale sales;
493 rentals of equipment, goods, or products; offices; restaurants;
494 public lodging establishments as described in s. 509.242(1)(a);
495 food service vendors; sports arenas; theaters; tourist
496 attractions; and other for-profit business activities. A parcel
497 zoned to permit such uses by right without the requirement to
498 obtain a variance or waiver is considered commercial use for the
499 purposes of this section, irrespective of the local land
500 development regulation's listed category or title. The term does
501 not include home-based businesses or cottage food operations
502 undertaken on residential property, public lodging
503 establishments as described in s. 509.242(1)(c), or uses that
504 are accessory, ancillary, incidental to the allowable uses, or
505 allowed only on a temporary basis. Recreational uses, such as
506 golf courses, tennis courts, swimming pools, and clubhouses,
507 within an area designated for residential use are not commercial
508 use, irrespective of how they are operated.

509 2. "Industrial use" means activities associated with the
510 manufacture, assembly, processing, or storage of products or the

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511 performance of services related thereto. The term includes, but
512 is not limited to, such uses or activities as automobile
513 manufacturing or repair, boat manufacturing or repair, junk
514 yards, meat packing facilities, citrus processing and packing
515 facilities, produce processing and packing facilities,
516 electrical generating plants, water treatment plants, sewage
517 treatment plants, and solid waste disposal sites. A parcel zoned
518 to permit such uses by right without the requirement to obtain a
519 variance or waiver is considered industrial use for the purposes
520 of this section, irrespective of the local land development
521 regulation's listed category or title. The term does not include
522 uses that are accessory, ancillary, incidental to the allowable
523 uses, or allowed only on a temporary basis. Recreational uses,
524 such as golf courses, tennis courts, swimming pools, and
525 clubhouses, within an area designated for residential use are
526 not industrial use, irrespective of how they are operated.

527 3. "Mixed use" means any use that combines multiple types
528 of approved land uses from at least two of the residential use,
529 commercial use, and industrial use categories. The term does not
530 include uses that are accessory, ancillary, incidental to the
531 allowable uses, or allowed only on a temporary basis.
532 Recreational uses, such as golf courses, tennis courts, swimming
533 pools, and clubhouses, within an area designated for residential
534 use are not mixed use, irrespective of how they are operated.

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

537 (o) ~~(k)~~ This subsection does not apply to:

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

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

541 3. The Wekiva Study Area, as described in s. 369.316.

542 4. The Everglades Protection Area, as defined in s.
543 373.4592(2) .

544 (p) ~~(l)~~ This subsection expires October 1, 2033.

545 (9) (a) Except as provided in paragraphs (b) and (d), a
546 municipality may not enforce a building moratorium that has the
547 effect of delaying the permitting or construction of a
548 multifamily residential or mixed-use residential development
549 authorized under subsection (7) .

550 (b) A municipality may, by ordinance, impose or enforce
551 such a building moratorium for no more than 90 days in any 3-
552 year period. Before adoption of such a building moratorium, the
553 municipality shall prepare or cause to be prepared an assessment
554 of the municipality's need for affordable housing at the
555 extremely-low-income, very-low-income, low-income, or moderate-
556 income limits specified in s. 420.0004, including projections of
557 such need for the next 5 years. This assessment must be posted
558 on the municipality's website by the date the notice of proposed
559 enactment is published and must be presented at the same public

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560 meeting at which the proposed ordinance imposing the building
561 moratorium is adopted by the governing body of the municipality.
562 This assessment must be included in the business impact estimate
563 for the ordinance imposing such a moratorium required by s.
564 166.041(4).

565 (c) If a civil action is filed against a municipality for
566 a violation of this subsection, the court must assess and award
567 reasonable attorney fees and costs to the prevailing party. An
568 award of reasonable attorney fees or costs pursuant to this
569 subsection may not exceed \$250,000. In addition, a prevailing
570 party may not recover any attorney fees or costs directly
571 incurred by or associated with litigation to determine an award
572 of reasonable attorney fees or costs.

573 (d) This subsection does not apply to moratoria imposed or
574 enforced to address stormwater or flood water management, to
575 address the supply of potable water, or due to the necessary
576 repair of sanitary sewer systems, if such moratoria apply
577 equally to all types of multifamily or mixed-use residential
578 development.

579 (10)(a) Beginning November 1, 2026, each municipality must
580 provide an annual report to the state land planning agency which
581 includes:

582 1. A summary of litigation relating to subsection (7) that
583 was initiated, remains pending, or was resolved during the
584 previous fiscal year.

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585 2. A list of all projects proposed or approved under
586 subsection (7) during the previous fiscal year. For each
587 project, the report must include, at a minimum, the project's
588 size, density, and intensity and the total number of units
589 proposed, including the number of affordable units and
590 associated targeted household incomes.

591 (b) The state land planning agency shall compile the
592 information received under this subsection and submit the
593 information to the Governor, the President of the Senate, and
594 the Speaker of the House of Representatives annually by February
595 1.

596 **Section 3.** An applicant for a proposed development
597 authorized under s. 125.01055(7), Florida Statutes, or s.
598 166.04151(7), Florida Statutes, who submitted an application, a
599 written request, or a notice of intent to use such provisions to
600 the county or municipality and which application, written
601 request, or notice of intent has been received by the county or
602 municipality, as applicable, before July 1, 2025, may notify the
603 county or municipality by July 1, 2025, of its intent to proceed
604 under the provisions of s. 125.01055(7), Florida Statutes, or s.
605 166.04151(7), Florida Statutes, as they existed at the time of
606 submittal. A county or municipality, as applicable, shall allow
607 an applicant who submitted such application, written request, or
608 notice of intent before July 1, 2025, the opportunity to submit

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a revised application, written request, or notice of intent to
account for the changes made by this act.

**Section 4. Section 420.5098, Florida Statutes, is created
to read:**

420.5098 Public sector and hospital employer-sponsored
housing policy.—

(1) The Legislature finds that it is in the best interests
of the state and the state's economy to provide affordable
housing to state residents employed by hospitals, health care
facilities, and governmental entities in order to attract and
maintain the highest quality labor by incentivizing such
employers to sponsor affordable housing opportunities. Section
42(g)(9)(B) of the Internal Revenue Code provides that a
qualified low-income housing project does not fail to meet the
general public use requirement solely because of occupancy
restrictions or preferences that favor tenants who are members
of a specified group under a state program or policy that
supports housing for such specified group. Therefore, it is the
intent of the Legislature to establish a policy that supports
the development of affordable workforce housing for employees of
hospitals, health care facilities, and governmental entities.

(2) For purposes of this section, the term:

(a) "Governmental entity" means any state, regional,
county, local, or municipal governmental entity of this state,
whether executive, judicial, or legislative; any department,

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division, bureau, commission, authority, or political
subdivision of the state; any public school, state university,
or Florida College System institution; or any special district
as defined in s. 189.012.

(b) "Health care facility" has the same meaning as
provided in s. 159.27(16).

(c) "Hospital" means a hospital under chapter 155, a
hospital district created pursuant to chapter 189, or a hospital
licensed pursuant to chapter 395, including corporations not for
profit that are qualified as charitable under s. 501(c)(3) of
the Internal Revenue Code and for-profit entities.

(3) It is the policy of the state to support housing for
employees of hospitals, health care facilities, and governmental
entities and to allow developers in receipt of federal low-
income housing tax credits allocated pursuant to s. 420.5099,
local or state funds, or other sources of funding available to
finance the development of affordable housing to create a
preference for housing for such employees. Such preference must
conform to the requirements of s. 42(g)(9) of the Internal
Revenue Code.

Section 5. This act shall take effect July 1, 2025.

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

Remove everything before the enacting clause and insert:

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A bill to be entitled

An act relating to affordable housing; amending ss. 125.01055 and 166.04151, F.S.; authorizing the board of county commissioners and the governing board of a municipality, respectively, to approve the development of housing that is affordable, including mixed-use residential, on any parcel owned by religious institutions; requiring counties and municipalities to authorize multifamily and mixed-use residential as allowable uses in portions of flexibly zoned areas under certain circumstances; prohibiting counties and municipalities from imposing certain requirements on proposed multifamily developments; prohibiting counties and municipalities from requiring that more than a specified percentage of a mixed-use residential project be used for certain purposes; revising the density, floor area ratio, or height below which counties and municipalities may not restrict certain developments; defining the term "highest currently allowed, or allowed on July 1, 2023"; revising the definition of the term "floor area ratio"; authorizing counties and municipalities to restrict the height of certain proposed developments listed in the National Register of Historic Places; requiring the administrative approval of certain proposed

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developments without further action by a quasi-judicial or administrative board or reviewing body under certain circumstances; requiring the administrative approval of the demolition of an existing structure associated with a proposed development in certain circumstances; providing applicability; providing construction; defining the term "allowable density"; requiring counties and municipalities to reduce parking requirements by a specified percentage for certain proposed developments under certain circumstances; authorizing counties and municipalities to allow adjacent parcels of land to be included within certain proposed developments; requiring a court to give priority to and render expeditious decisions in certain civil actions; requiring a court to award reasonable attorney fees and costs to a prevailing party in certain civil actions; providing that such attorney fees or costs may not exceed a specified dollar amount; prohibiting the prevailing party from recovering certain other fees or costs; defining terms; revising applicability; prohibiting counties and municipalities from enforcing certain building moratoriums; providing an exception, subject to certain requirements; requiring the court to assess and award reasonable attorney fees and costs

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709 to the prevailing party in certain civil actions;
710 providing that such attorney fees or costs may not
711 exceed a specified dollar amount; prohibiting the
712 prevailing party from recovering certain other fees or
713 costs; providing applicability; providing annual
714 reporting requirements beginning on specified dates;
715 authorizing applicants for certain proposed
716 developments to notify the county or municipality, as
717 applicable, by a specified date of its intent to
718 proceed under certain provisions; requiring counties
719 and municipalities to allow certain applicants to
720 submit revised applications, written requests, and
721 notices of intent to account for changes made by the
722 act; creating s. 420.5098, F.S.; providing legislative
723 findings and intent; defining terms; providing that it
724 is the policy of the state to support housing for
725 certain employees and to allow developers in receipt
726 of certain tax credits and funds to create a specified
727 preference for housing certain employees; requiring
728 that such preference conform to certain requirements;
729 providing an effective date.

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