416816

LEGISLATIVE ACTION

Senate	.	House
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	.	
Floor: WD	.	
04/30/2025 11:22 AM	.	
	.	

Senator Jones moved the following:

Senate Amendment to House Amendment (673693) (with title amendment)

Delete lines 99 - 400
and insert:

(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 quasi-judicial or administrative board or reviewing body ~~is required~~ if the development satisfies the county’s land development regulations for multifamily developments in areas zoned for such use and is

416816

12 otherwise consistent with the comprehensive plan, with the
13 exception of provisions establishing allowable densities, floor
14 area ratios, height, and land use. Such land development
15 regulations include, but are not limited to, regulations
16 relating to setbacks and parking requirements. A proposed
17 development located within one-quarter mile of a military
18 installation identified in s. 163.3175(2) may not be
19 administratively approved. Each county shall maintain on its
20 website a policy containing procedures and expectations for
21 administrative approval pursuant to this subsection. The county
22 must administratively approve the demolition of an existing
23 structure associated with a proposed development under this
24 subsection, without further action by the board of county
25 commissioners or any quasi-judicial or administrative board or
26 reviewing body, if the proposed demolition otherwise complies
27 with all state and local regulations. For purposes of this
28 paragraph, the term “allowable density” means the density
29 prescribed for the property in accordance with this subsection
30 without additional requirements to procure and transfer density
31 units or development units from other properties.
32 (f)1. A county must, upon request of an applicant, reduce
33 ~~consider reducing~~ parking requirements by 15 percent for a
34 proposed development authorized under this subsection if the
35 development:
36 a. Is located within one-quarter mile of a transit stop, as
37 defined in the county’s land development code, and the transit
38 stop is accessible from the development;~~.~~
39 ~~2. A county must reduce parking requirements by at least 20~~
40 ~~percent for a proposed development authorized under this~~

416816

41 ~~subsection if the development:~~
42 b.~~a.~~ Is located within one-half mile of a major
43 transportation hub that is accessible from the proposed
44 development by safe, pedestrian-friendly means, such as
45 sidewalks, crosswalks, elevated pedestrian or bike paths, or
46 other multimodal design features; or ~~and~~
47 c.~~b.~~ Has available parking within 600 feet of the proposed
48 development which may consist of options such as on-street
49 parking, parking lots, or parking garages available for use by
50 residents of the proposed development. However, a county may not
51 require that the available parking compensate for the reduction
52 in parking requirements.
53 2.~~3.~~ A county must eliminate parking requirements for a
54 proposed mixed-use residential development authorized under this
55 subsection within an area recognized by the county as a transit-
56 oriented development or area, as provided in paragraph (h).
57 3.~~4.~~ For purposes of this paragraph, the term “major
58 transportation hub” means any transit station, whether bus,
59 train, or light rail, which is served by public transit with a
60 mix of other transportation options.
61 (k) Notwithstanding any other law or local ordinance or
62 regulation to the contrary, a county may allow an adjacent
63 parcel of land to be included within a proposed multifamily
64 development authorized under this subsection.
65 (l) The court shall give any civil action filed against a
66 county for a violation of this subsection priority over other
67 pending cases and render a preliminary or final decision as
68 expeditiously as possible.
69 (m) If a civil action is filed against a county for a

416816

70 violation of this subsection, the court must assess and award
71 reasonable attorney fees and costs to the prevailing party. An
72 award of reasonable attorney fees or costs pursuant to this
73 subsection may not exceed $250,000. In addition, a prevailing
74 party may not recover any attorney fees or costs directly
75 incurred by or associated with litigation to determine an award
76 of reasonable attorney fees or costs.
77 (n) As used in this subsection, the term:
78 1. “Commercial use” means activities associated with the
79 sale, rental, or distribution of products or the performance of
80 services related thereto. The term includes, but is not limited
81 to, such uses or activities as retail sales; wholesale sales;
82 rentals of equipment, goods, or products; offices; restaurants;
83 public lodging establishments as described in s. 509.242(1)(a);
84 food service vendors; sports arenas; theaters; tourist
85 attractions; and other for-profit business activities. A parcel
86 zoned to permit such uses by right without the requirement to
87 obtain a variance or waiver is considered commercial use for the
88 purposes of this section, irrespective of the local land
89 development regulation’s listed category or title. The term does
90 not include home-based businesses or cottage food operations
91 undertaken on residential property, public lodging
92 establishments as described in s. 509.242(1)(c), or uses that
93 are accessory, ancillary, incidental to the allowable uses, or
94 allowed only on a temporary basis. Recreational uses, such as
95 golf courses, tennis courts, swimming pools, and clubhouses,
96 within an area designated for residential use are not commercial
97 use, irrespective of how they are operated.
98 2. “Industrial use” means activities associated with the

416816

99 manufacture, assembly, processing, or storage of products or the
100 performance of services related thereto. The term includes, but
101 is not limited to, such uses or activities as automobile
102 manufacturing or repair, boat manufacturing or repair, junk
103 yards, meat packing facilities, citrus processing and packing
104 facilities, produce processing and packing facilities,
105 electrical generating plants, water treatment plants, sewage
106 treatment plants, and solid waste disposal sites. A parcel zoned
107 to permit such uses by right without the requirement to obtain a
108 variance or waiver is considered industrial use for the purposes
109 of this section, irrespective of the local land development
110 regulation's listed category or title. The term does not include
111 uses that are accessory, ancillary, incidental to the allowable
112 uses, or allowed only on a temporary basis. Recreational uses,
113 such as golf courses, tennis courts, swimming pools, and
114 clubhouses, within an area designated for residential use are
115 not industrial use, irrespective of how they are operated.
116 3. "Mixed use" means any use that combines multiple types
117 of approved land uses from at least two of the residential use,
118 commercial use, and industrial use categories. The term does not
119 include uses that are accessory, ancillary, incidental to the
120 allowable uses, or allowed only on a temporary basis.
121 Recreational uses, such as golf courses, tennis courts, swimming
122 pools, and clubhouses, within an area designated for residential
123 use are not mixed use, irrespective of how they are operated.
124 4. "Planned unit development" has the same meaning as
125 provided in s. 163.3202(5)(b).
126 (o) ~~(k)~~ This subsection does not apply to:
127 1. Airport-impacted areas as provided in s. 333.03.

416816

128 2. Property defined as recreational and commercial working
129 waterfront in s. 342.201(2)(b) in any area zoned as industrial.
130 3. The Wekiva Study Area, as described in s. 369.316.
131 4. The Everglades Protection Area, as defined in s.
132 373.4592(2).
133 (p)(l) This subsection expires October 1, 2033.
134 (9)(a) Except as provided in paragraphs (b) and (d), a
135 county may not enforce a building moratorium that has the effect
136 of delaying the permitting or construction of a multifamily
137 residential or mixed-use residential development authorized
138 under subsection (7).
139 (b) A county may, by ordinance, impose or enforce such a
140 building moratorium for no more than 90 days in any 3-year
141 period. Before adoption of such a building moratorium, the
142 county shall prepare or cause to be prepared an assessment of
143 the county's need for affordable housing at the extremely-low-
144 income, very-low-income, low-income, or moderate-income limits
145 specified in s. 420.0004, including projections of such need for
146 the next 5 years. This assessment must be posted on the county's
147 website by the date the notice of proposed enactment is
148 published, and presented at the same public meeting at which the
149 proposed ordinance imposing the building moratorium is adopted
150 by the board of county commissioners. This assessment must be
151 included in the business impact estimate for the ordinance
152 imposing such a moratorium required by s. 125.66(3).
153 (c) If a civil action is filed against a county for a
154 violation of this subsection, the court must assess and award
155 reasonable attorney fees and costs to the prevailing party. An
156 award of reasonable attorney fees or costs pursuant to this

416816

157 subsection may not exceed $250,000. In addition, a prevailing
158 party may not recover any attorney fees or costs directly
159 incurred by or associated with litigation to determine an award
160 of reasonable attorney fees or costs.
161 (d) This subsection does not apply to moratoria imposed or
162 enforced to address stormwater or flood water management, to
163 address the supply of potable water, or due to the necessary
164 repair of sanitary sewer systems, if such moratoria apply
165 equally to all types of multifamily or mixed-use residential
166 development.
167 (10)(a) Beginning November 1, 2026, each county must
168 provide an annual report to the state land planning agency which
169 includes:
170 1. A summary of litigation relating to subsection (7) that
171 was initiated, remains pending, or was resolved during the
172 previous fiscal year.
173 2. A list of all projects proposed or approved under
174 subsection (7) during the previous fiscal year. For each
175 project, the report must include, at a minimum, the project’s
176 size, density, and intensity and the total number of units
177 proposed, including the number of affordable units and
178 associated targeted household incomes.
179 (b) The state land planning agency shall compile the
180 information received under this subsection and submit the
181 information to the Governor, the President of the Senate, and
182 the Speaker of the House of Representatives annually by February
183 1.
184 Section 2. Subsection (6) and paragraphs (a) through (f),
185 (k), and (l) of subsection (7) of section 166.04151, Florida

416816

186 Statutes, are amended, new paragraphs (k) through (n) are added
187 to subsection (7), and subsections (9) and (10) are added to
188 that section, to read:
189 166.04151 Affordable housing.—
190 (6) Notwithstanding any other law or local ordinance or
191 regulation to the contrary, the governing body of a municipality
192 may approve the development of housing that is affordable, as
193 defined in s. 420.0004, including, but not limited to, a mixed-
194 use residential development, on any parcel zoned for commercial
195 or industrial use, or on any parcel, including any contiguous
196 parcel connected thereto, which is owned by a religious
197 institution as defined in s. 170.201(2) which contains a house
198 of public worship, regardless of underlying zoning, so long as
199 at least 10 percent of the units included in the project are for
200 housing that is affordable. The provisions of this subsection
201 are self-executing and do not require the governing body to
202 adopt an ordinance or a regulation before using the approval
203 process in this subsection.
204 (7)(a) A municipality must authorize multifamily and mixed-
205 use residential as allowable uses in any area zoned for
206 commercial, industrial, or mixed use, and in portions of any
207 flexibly zoned area such as a planned unit development permitted
208 for commercial, industrial, or mixed use, if at least 40 percent
209 of the residential units in a proposed multifamily development
210 are rental units that, for a period of at least 30 years, are
211 affordable as defined in s. 420.0004. Notwithstanding any other
212 law, local ordinance, or regulation to the contrary, a
213 municipality may not require a proposed multifamily development
214 to obtain a zoning or land use change, special exception,

416816

215 conditional use approval, variance, transfer of density or
216 development units, amendment to a development of regional
217 impact, amendment to a municipal charter, or comprehensive plan
218 amendment for the building height, zoning, and densities
219 authorized under this subsection. For mixed-use residential
220 projects, at least 65 percent of the total square footage must
221 be used for residential purposes. The municipality may not
222 require that more than 10 percent of the total square footage of
223 such mixed-use residential projects be used for nonresidential
224 purposes.
225 (b) A municipality may not restrict the density of a
226 proposed development authorized under this subsection below the
227 highest currently allowed, or allowed on July 1, 2023, density
228 on any land in the municipality where residential development is
229 allowed under the municipality's land development regulations.
230 For purposes of this paragraph, the term "highest currently
231 allowed density" does not include the density of any building
232 that met the requirements of this subsection or the density of
233 any building that has received any bonus, variance, or other
234 special exception for density provided in the municipality's
235 land development regulations as an incentive for development.
236 For purposes of this paragraph, "highest currently allowed, or
237 allowed on July 1, 2023," means whichever is least restrictive
238 at the time of development.
239 (c) A municipality may not restrict the floor area ratio of
240 a proposed development authorized under this subsection below
241 150 percent of the highest currently allowed, or allowed on July
242 1, 2023, floor area ratio on any land in the municipality where
243 development is allowed under the municipality's land development

416816

244 regulations. For purposes of this paragraph, the term "highest
245 currently allowed floor area ratio" does not include the floor
246 area ratio of any building that met the requirements of this
247 subsection or the floor area ratio of any building that has
248 received any bonus, variance, or other special exception for
249 floor area ratio provided in the municipality's land development
250 regulations as an incentive for development. For purposes of
251 this subsection, the term "floor area ratio" includes floor lot
252 ratio and lot coverage.
253 (d)1. A municipality may not restrict the height of a
254 proposed development authorized under this subsection below the
255 highest currently allowed, or allowed on July 1, 2023, height
256 for a commercial or residential building located in its
257 jurisdiction within 1 mile of the proposed development or 3
258 stories, whichever is higher. For purposes of this paragraph,
259 the term "highest currently allowed height" does not include the
260 height of any building that met the requirements of this
261 subsection or the height of any building that has received any
262 bonus, variance, or other special exception for height provided
263 in the municipality's land development regulations as an
264 incentive for development.
265 2. If the proposed development is adjacent to, on two or
266 more sides, a parcel zoned for single-family residential use
267 that is within a single-family residential development with at
268 least 25 contiguous single-family homes, the municipality may
269 restrict the height of the proposed development to 150 percent
270 of the tallest building on any property adjacent to the proposed
271 development, the highest currently allowed, or allowed on July
272 1, 2023, height for the property provided in the municipality's

416816

273 land development regulations, or 3 stories, whichever is higher,
274 not to exceed 10 stories. For the purposes of this paragraph,
275 the term “adjacent to” means those properties sharing more than
276 one point of a property line, but does not include properties
277 separated by a public road or body of water, including manmade
278 lakes or ponds. For a proposed development located within a
279 municipality within an area of critical state concern as
280 designated by s. 380.0552 or chapter 28-36, Florida
281 Administrative Code, the term “story” includes only the
282 habitable space above the base flood elevation as designated by
283 the Federal Emergency Management Agency in the most current
284 Flood Insurance Rate Map. A story may not exceed 10 feet in
285 height measured from finished floor to finished floor, including
286 space for mechanical equipment. The highest story may not exceed
287 10 feet from finished floor to the top plate.
288
289 ================= T I T L E A M E N D M E N T ================
290 And the title is amended as follows:
291 Delete lines 665 - 668
292 and insert:
293 definition of the term “floor area ratio”; requiring
294 the