

# 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/CS/CS/HB 247](#)

**TITLE:** Housing

**SPONSOR(S):** Conerly

**COMPANION BILL:** [CS/CS/CS/SB 184](#) (Gaetz)

**LINKED BILLS:** None

**RELATED BILLS:** None

### Committee References

[Housing, Agriculture & Tourism](#)

15 Y, 2 N, As CS



[Intergovernmental Affairs](#)

16 Y, 1 N, As CS



[Commerce](#)

18 Y, 6 N, As CS

## SUMMARY

### Effect of the Bill:

The bill authorizes, but does not require, a landlord to accept a reusable tenant screening report from a prospective tenant and prohibits a landlord who has accepted a reusable tenant screening report from a prospective tenant from charging the prospective tenant an application screening fee or other fee associated with accessing the report.

Additionally, 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 ordinance may regulate the permitting, construction, and use of an ADU, subject to certain exceptions. The bill clarifies that an owner of a property with an ADU may not be denied a homestead exemption on the basis of renting the ADU to another person, but that the ADU must be assessed separately according to its use. The bill requires OPPAGA to assess the effectiveness of mezzanine finance, or second-position short-term debt, to encourage the construction of owner-occupied affordable housing and the potential for tiny homes to help meet the state's affordable housing needs.

The bill also provides that the use as or conversion of single-family or two-family dwellings into certain mental health support residences do not constitute a change of occupancy under the Florida Building Code nor may such residences be reclassified for the purpose of enforcing the Florida Fire Prevention Code solely due to such use or conversion.

### Fiscal or Economic Impact:

The bill has an indeterminate impact on the private sector.

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## ANALYSIS

### EFFECT OF THE BILL:

#### Reusable Tenant Screening Reports

The bill authorizes, but does not require, a landlord to accept a reusable tenant screening report from a prospective tenant. (Section [1](#).)

The bill defines a "reusable tenant screening report" as a [consumer report](#) that:

- Has been prepared within the previous 30 days by a [consumer reporting agency](#) at the request and expense of a prospective tenant.
- 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 the state and federal laws pertaining to use and disclosure of information contained in a consumer report by a consumer reporting agency.
- Is available to the landlord at no cost to access or use. (Section [1](#).)

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**DATE:** 4/24/2025

The bill requires a reusable tenant screening report to include the following information:

- The prospective tenant's full name.
- The prospective tenant's contact information, including mailing address, e-mail address, and telephone number.
- Verification of the prospective tenant's employment.
- The prospective tenant's last known address.
- The results of an eviction history check.
- The date through which the information contained in the report is current. (Section [1](#).)

The bill authorizes a landlord to request confirmation from a prospective tenant that there has been no material change to the information in the reusable tenant screening report since it was generated. (Section [1](#).)

The bill prohibits a landlord who has accepted a reusable tenant screening report from a prospective tenant from charging the prospective tenant an application screening fee or other fee associated with accessing the report. (Section [1](#).)

### **Accessory Dwelling Units**

The bill defines a primary dwelling unit as an existing or proposed single-family dwelling on the property where a proposed accessory dwelling unit (ADU) would be located. (Section [2](#).)

Additionally, the bill requires, rather than authorizes, local governments to adopt an ordinance to allow the construction of ADUs in any area zoned for single-family residential use. The bill requires the ordinance to be adopted by December 1, 2025 and provides that the ordinance applies prospectively to ADUs approved after the date the ordinance is adopted. The ordinance may regulate the permitting, construction, and use of an ADU, but may not:

- Require that the owner of a parcel on which an ADU is constructed reside in the primary dwelling unit.
- Increase parking requirements on any parcel that can accommodate an additional motor vehicle on a driveway without impeding access to the primary dwelling unit.
- Require replacement parking if a garage, carport, or covered parking structure is converted to create an ADU. (Section [2](#).)

The bill prohibits denying a [homestead exemption](#) to an owner of a property with an ADU, where the owner maintains permanent residence, solely due to the ADU being rented or able to be rented. If the owner rents the ADU, the property appraiser must assess the ADU separately from the homestead property and tax it based on its use. (Section [2](#).)

The bill also prohibits a local government from adopting an ordinance which allow ADUs to be within any [area of critical state concern](#) as designated by law. (Section [2](#).)

### **Density Bonus Incentives**

The bill provides that local governments may provide density bonus incentives to landowners who donate real estate for the purpose of assisting local governments in providing affordable housing to military families that are receiving the basic allowance for housing. (Section [3](#).)

### **Affordable Housing Study**

The bill requires the Office of Program Policy Analysis and Government Accountability (OPPAGA)<sup>1</sup> to assess the effectiveness of mezzanine finance, or second-position short-term debt, to encourage the construction of owner-occupied affordable housing and the ability of tiny homes to help meet the state's affordable housing needs. The bill requires OPPAGA to consult with the Florida Housing Finance Corporation and the University of Florida Shimberg Center for Housing Studies in conducting its evaluation. OPPAGA is required to report its conclusions to

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<sup>1</sup> OPPAGA supports the Florida Legislature by providing data, evaluative research, and objective analyses that assist legislative budget and policy deliberations. OPPAGA, *About OPPAGA*, <https://oppaga.fl.gov/> (last visited Apr. 18, 2025).

the President of the Senate and the Speaker of the House of Representatives by December 31, 2026. The report must include recommendations for a model mezzanine finance program. (Section [4](#).)

### **Mental Health Support Residences**

The bill provides that using or converting single-family or two-family dwellings into certain residences whose stated corporate purpose relates to the support of people who are living with a mental health disorder does not constitute a change of occupancy as defined by the Florida Building Code. The residence must have at least two and no more than four bedrooms, be occupied by a group or family of no more than six ambulatory adults living with a mental health disorder, and have no more than two adults assigned to any bedroom. (Section [5](#).)

The bill also provides that use as or conversion of single-family or two-family dwellings into such mental health support residences may not be reclassified for purposes of enforcing the Florida Fire Prevention Code solely due to such dwelling's use or conversion. (Section [6](#).)

The effective date of the bill is July 1, 2025. (Section [7](#).)

### **FISCAL OR ECONOMIC IMPACT:**

#### **PRIVATE SECTOR:**

This bill may have an indeterminate positive fiscal impact on prospective rental tenants as the authorization for landlords to accept reusable tenant screening reports may decrease application costs for such prospective tenants.

The bill has an indeterminate positive impact on extremely-low-income, very-low-income, low-income, and moderate-income persons. If more local governments allow for the construction of ADUs, and more ADUs are in fact constructed, this may lead to an increased supply of attainable housing options throughout Florida.

The bill also has an indeterminate positive impact on military families who receive the basic allowance for housing, but only to the extent that the local jurisdictions in which the military families live opt-in to providing the density bonus incentive under the bill.

The bill may have an indeterminate positive fiscal impact on mental health support residences as the exemption from the Florida Building Code and Florida Fire Prevention Code may decrease costs for such residences.

## **RELEVANT INFORMATION**

### **SUBJECT OVERVIEW:**

#### **State Preemption of the Residential Landlord and Tenant Act**

In 2023, the Legislature expressly preempted the regulation of residential tenancies, the landlord-tenant relationship, and all other matters covered under the Residential Landlord and Tenant Act to the state.<sup>2</sup> This preemption supersedes any local government regulations on such matters, including, but not limited to, the screening process used by a landlord in approving tenancies; security deposits; rental agreement applications and fees associated with such applications; terms and conditions of rental agreements; the rights and responsibilities of the landlord and the tenant; disclosures concerning the premises, the dwelling unit, the rental agreement, or the rights and responsibilities of the landlord and tenant; fees charged by the landlord; and notice requirements.<sup>3</sup>

The Residential Landlord and Tenant Act is, however, currently silent as to the screening process used by a landlord in approving tenancies and as to applications and fees associated with such applications generally.<sup>4</sup>

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<sup>2</sup> Ch. 2023-314, L.O.F.

<sup>3</sup> S. [83.425, F.S.](#)

<sup>4</sup> Pt. II, Ch. 83, F.S.; There is some discussion in s. [83.683, F.S.](#), regarding rental applications by servicemembers.

## **Federal Fair Credit Reporting Act**

There are hundreds of companies engaged in employment and tenant background screening across the United States.<sup>5</sup> These companies are defined as “consumer reporting agencies” (CRAs), pursuant to the federal Fair Credit Reporting Act (FCRA) and are regulated by both the Federal Trade Commission and the Consumer Financial Protection Bureau.<sup>6</sup>

The FCRA defines “[consumer reporting agency](#)” as 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.<sup>7</sup>

It further defines “[consumer report](#)” generally as any written, oral, or other communication of any 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 in 15 U.S.C. s. 1681b.<sup>8</sup>

Section 1681b, U.S.C., provides specific circumstances under which a CRA may furnish a consumer report, including, but not limited to:

- In accordance with the written instructions of the consumer to whom it relates.<sup>9</sup>
- To a person who has a legitimate business need for the information in connection with a business transaction that is initiated by the consumer.<sup>10</sup>

The FCRA promotes the accuracy, fairness, and privacy of information that CRAs collect.<sup>11</sup> The FCRA governs the acts of CRAs, entities that furnish information to CRAs (furnishers), and individuals who use credit reports issued by CRAs.<sup>12</sup> Specifically, CRAs and their furnishers must adopt methods to ensure the information they collect and report is accurate.<sup>13</sup> Individuals may request to review the information a CRA has in his or her file, the sources of the information, and the identity of those to whom the information was disclosed to ensure that it is accurate, and may dispute its accuracy which triggers a CRA’s duty to reinvestigate the information.<sup>14</sup>

Additionally, if any person takes any adverse action against an individual based in whole or in part on any information contained in a consumer report, he or she must provide specified information to the individual, including:

- Notice of the adverse action to the individual.
- The name, address, and telephone number of the CRA that furnished the consumer report the person relied on.
- Notice of the individual’s right to obtain a free copy of a consumer report on themselves from the CRA that issued such a report to the person taking the adverse action.

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<sup>5</sup> Professional Background Screening Association (PBSA), *About PBSA*, <https://thepbsa.org/about-us/about-pbsa/> (last visited Apr. 18, 2025.)

<sup>6</sup> *Id.*

<sup>7</sup> 15 U.S.C. § 1681a(f).

<sup>8</sup> 15 U.S.C. § 1681a(d).

<sup>9</sup> 15 U.S.C. § 1681b(a)(2).

<sup>10</sup> 15 U.S.C. § 1681b(a)(3)(F)(i).

<sup>11</sup> Federal Trade Commission, *A Summary of Your Rights Under the Fair Credit Reporting Act* (Sept. 18, 2018), 12 CFR 1022, <https://www.consumer.ftc.gov/sites/default/files/articles/pdf/pdf-0096-fair-credit-reporting-act.pdf> (last visited Apr. 18, 2025).

<sup>12</sup> 15 U.S.C. § 1681, et. seq.

<sup>13</sup> 15 U.S.C. § 1681s-2.

<sup>14</sup> 15 U.S.C. §§ 1681g and 1681i.

- Notice of the individual’s right to dispute the accuracy or completeness of any information in a consumer report with the CRA who produced it.<sup>15</sup>

### **Portable Tenant Screening Reports**

Currently, some companies specialize in online tenant background screening reports, which include information such as a:

- ResidentScore, a renter credit score.
- Criminal background report.
- Credit report.
- Eviction related report.
- Income insights report.
- Identity check report.<sup>16</sup>

On such a website, either a landlord or property manager or a tenant may create an account to either request screening of a potential tenant or to screen themselves.<sup>17</sup> Such companies typically provide several tiers of reports that are available for purchase to provide a prospective tenant or property manager or landlord with control over the cost of the report which will impact how much information the report includes.<sup>18</sup> However, even for a top tier tenant screening report, which includes all of the information listed above, the total cost is \$47, and a prospective tenant may grant permission for a property owner to access his or her report.<sup>19</sup>

### **Affordable Housing in Florida**

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.<sup>20</sup> Over 2.4 million low-income Florida households pay more than 30% of their incomes towards housing.<sup>21</sup> Over half of these households, or 1.3 million low-income households, spend more than 50% of their income towards housing costs.<sup>22</sup> This makes it difficult for those households to save for retirement or emergencies and difficult to afford other necessities like food and childcare.<sup>23</sup>

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).<sup>24</sup> In Florida, the current statewide AMI for a family of four is \$88,600 (as family size changes, the income range also varies):<sup>25</sup>

- Extremely-low-income – earning up to 30 percent AMI (at or below \$26,600);<sup>26</sup>
- Very-low-income – earning from 30.01 to 50 percent AMI (\$26,601 to \$44,300);<sup>27</sup>

<sup>15</sup> 15 U.S.C. § 1681m(a).

<sup>16</sup> TransUnion SmartMove, *Tenant Background Screening Reports*, <https://www.mysmartmove.com/tenant-screening-services> (last visited Apr. 18, 2025).

<sup>17</sup> *Id.*

<sup>18</sup> TransUnion SmartMove, *Pricing*, <https://www.mysmartmove.com/pricing> (last visited Apr. 18, 2025).

<sup>19</sup> *Id.*; TransUnion SmartMove, *Tenant Frequently Asked Questions*, <https://www.mysmartmove.com/transunion-smartmove-frequently-asked-questions/tenant-frequently-asked-questions#accordiongroup-338a6660be-item-bf9b64ac40> (last visited Apr. 18, 2025).

<sup>20</sup> S. 420.0004(3), F.S.

<sup>21</sup> 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 Apr. 18, 2025).

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> 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](https://www.huduser.gov/portal/datasets/il.html#documents_2024) (last visited Apr. 18, 2025).

<sup>25</sup> 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&select\\_ion\\_type=county&stname=Florida&statefp=12.0&year=2024](https://www.huduser.gov/portal/datasets/il/il2024/2024summary.odn?inputname=STTLT*1299999999%2BFlorida&select_ion_type=county&stname=Florida&statefp=12.0&year=2024) (last visited Apr. 18, 2025).

<sup>26</sup> *Id.* See also s. 420.0004(9), F.S.

<sup>27</sup> *Supra* note 25. See also s. 420.0004(17), F.S.

- Low-income – earning from 50.01 to 80 percent AMI (\$44,301 to \$70,900);<sup>28</sup> and
- Moderate-income – earning from 80.01 to 120 percent of AMI (\$70,901 to \$106,320).<sup>29</sup>

As of 2024, Florida had only 24 affordable and available rental units for every 100 extremely low-income renters.<sup>30</sup> 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.<sup>31</sup>

### Accessory Dwelling Units

The Legislature has taken measures in recent years to address Florida’s need for more affordable housing.<sup>32</sup> One of those measures included encouraging the construction of 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.<sup>33</sup> 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.<sup>34</sup>

ADUs offer benefits to both individual homeowners and the wider communities where they exist.<sup>35</sup> 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 homeowner.<sup>36</sup>

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.<sup>37</sup>

Under current law, a local government in Florida is authorized – but not required – to adopt an ordinance that allows ADUs in any area zoned for single-family residential use.<sup>38</sup> 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.<sup>39</sup>

### Homestead Exemption

The Florida Constitution establishes homestead protections for certain residential real estate in the state in three distinct ways. First, it provides homesteads, property owned and maintained as a person’s primary residence, with

<sup>28</sup> *Supra* note 25. See also [s. 420.0004\(11\), F.S.](#)

<sup>29</sup> *Supra* note 25. See also [s. 420.0004\(12\), F.S.](#)

<sup>30</sup> *Supra* note 21, at p. 2.

<sup>31</sup> *Id.*

<sup>32</sup> In 2023, the Legislature passed the Live Local Act, which represented a generational retooling of state housing policy in Florida. The Legislature made subsequent amendments to the Live Local Act in 2024. See chs. [2023-17](#) and [2024-188](#), Laws of Fla. See also Florida Housing Coalition, *Overview of the Live Local Act*, <https://www.floridahousing.org/live-local-act> (last visited Apr. 18, 2025).

<sup>33</sup> [S. 163.31771\(2\)\(a\), F.S.](#)

<sup>34</sup> 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](https://www.talgov.com/uploads/public/documents/growth/zoning_spot_231010.pdf) (last visited Apr. 18, 2025).

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> [S. 163.31771\(3\), F.S.](#)

<sup>39</sup> [S. 163.31771\(4\), F.S.](#)



an exemption from taxes.<sup>40</sup> Second, the homestead provisions protect the homestead from forced sale by creditors.<sup>41</sup> Third, the homestead provisions delineate the restrictions a homestead owner faces when attempting to alienate or devise the homestead property.<sup>42</sup>

Every person having legal or equitable title to real estate and who maintains a permanent residence on the real estate is deemed to establish homestead property. Homestead property is eligible for a \$25,000 tax exemption applicable to all ad valorem tax levies, including levies by school districts.<sup>43</sup> An additional exemption applies to homestead property value between \$50,000 and \$75,000. This exemption is adjusted annually for inflation from the 2024 value of \$25,000 and does not apply to ad valorem taxes levied by school districts.

Any portion of the homestead property used for commercial purposes is excluded from the homestead.<sup>44</sup> Property rented for more than six months is presumed to be used for commercial purposes.<sup>45</sup>

The homestead property tax exemption may be lost by a property owner that abandons homestead property. Failure to maintain a homestead property as a permanent residence may constitute abandonment under certain circumstances.<sup>46</sup> Renting all or substantially all of a homestead property constitutes abandonment until the dwelling is physically occupied by the owner.<sup>47</sup>

### **Areas Of Critical State Concern**

The Florida Legislature has designated certain areas within the state as “areas of critical state concern” to protect its natural resources and the environment; protect water resources; facilitate well-planned development; and protect the health and quality of life of Floridians. To achieve this goal, the Legislature has found it necessary to adequately plan and facilitate orderly development within the state.<sup>48</sup>

Areas that have been designated as areas of critical state concern include:

- The Big Cypress Area;<sup>49</sup>
- The Green Swamp Area;<sup>50</sup>
- The Florida Keys Area;<sup>51</sup>
- The Brevard Barrier Island Area;<sup>52</sup> and
- The Apalachicola Bay area.<sup>53</sup>

### **Density Bonus Incentives**

A density bonus is a development incentive that allows developers to increase the maximum allowable development for a proposed project, as defined by a local zoning code, in exchange for the developer’s support of specified public policy goals.<sup>54</sup> Density bonus programs are a common planning tool at local, county, and state levels across the United States, but vary greatly both in the kinds of bonuses offered and the policy goals the incentives are intended to address.<sup>55</sup>

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<sup>40</sup> [Art. VII, s. 6, Fla. Const.](#)

<sup>41</sup> [Art. X, s. 4\(a\), Fla. Const.](#)

<sup>42</sup> [Art. X, s. 4\(c\), Fla. Const.](#)

<sup>43</sup> [Art. VII, s. 6\(a\), Fla. Const.](#)

<sup>44</sup> [S. 196.012\(13\), F.S.](#)

<sup>45</sup> *Id.* See also R. 12D-7.013(5), F.A.C. (“Property used as a residence and also used by the owner as a place of business does not lose its homestead character. The two uses should be separated with that portion used as a residence being granted the exemption and the remainder being taxed.”)

<sup>46</sup> See [ss. 196.031](#) and [193.155, F.S.](#)

<sup>47</sup> [S. 196.061\(1\), F.S.](#)

<sup>48</sup> [S. 380.021, F.S.](#)

<sup>49</sup> [S. 380.055\(3\), F.S.](#)

<sup>50</sup> [S. 380.0551\(1\), F.S.](#)

<sup>51</sup> [S. 380.0552\(3\), F.S.](#)

<sup>52</sup> [S. 380.0553\(2\), F.S.](#)

<sup>53</sup> [S. 380.0555, F.S.](#)

<sup>54</sup> Planetizen, *What is a Density Bonus?* <https://www.planetizen.com/definition/density-bonuses> (last visited Apr. 18, 2025).

<sup>55</sup> *Id.*

In Florida, local governments have the inherent home rule authority<sup>56</sup> to provide density bonuses in exchange for the production of affordable housing units. Additionally, local governments that have adopted inclusionary housing ordinances are required to provide incentives to developers to offset the cost of the developer's affordable housing contribution, which may include granting density or intensity bonuses.<sup>57</sup>

A local government may also provide density bonus incentives to any landowner who voluntarily donates real property to the local government for the purpose of assisting the local government in providing affordable housing.<sup>58</sup> To receive a density bonus under this provision, the donated real property must:

- Be appropriate for use as affordable housing, as determined by the local government;<sup>59</sup> and
- Be subject to deed restrictions to ensure the property will be used for affordable housing.<sup>60</sup>

The deed restrictions must also prohibit an affordable housing unit from being sold at a price that exceeds the threshold for housing that is affordable for low-income or moderate-income persons or to a buyer who is not eligible due to his or her income under chapter 420, F.S., Florida's Housing statutes. The deed restriction may allow affordable housing units to be rented to extremely-low-income, very-low-income, low-income, or moderate-income persons.<sup>61</sup>

In practice, an increase in density for a proposed development offers an economic incentive for developers to produce affordable housing.<sup>62</sup> The allowance of full density allowed by local land use and zoning regulations, as well as additional approved units allowed by density bonuses, creates the opportunity for an affordable housing development to be financially feasible.<sup>63</sup> The allowance of more density also incentivizes market-rate developers to produce affordable units.<sup>64</sup> The sale of more units or the leasing of more apartments offsets the lower sales price or rent payments for each affordable unit.<sup>65</sup>

### **Change of Occupancy and Minimum Firesafety Standards**

Under the Florida Building Code, a change of occupancy occurs when a building or structure requires a greater degree of safety, accessibility, structural strength, fire protection, means of egress, ventilation or sanitation than currently exists. Changes in occupancy include:

- Any change in the occupancy classification of a building or structure.
- Any change in the purpose of, or a change in the level of activity within, a building or structure.<sup>66</sup>

The Fire Prevention Code contains or incorporates by reference all firesafety laws and rules that pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and the enforcement of such firesafety laws and rules.<sup>67</sup>

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<sup>56</sup> Home rule power refers to the ability of counties and municipalities to enact ordinances at the local level without prior state approval. Such ordinances, however, must not conflict with state or federal laws. In Florida, home rule language was proposed and subsequently adopted in the 1968 Constitutional revision. After several legal challenges, the Legislature adopted the Home Rule Powers Act in 1973, which ended challenges related to city and county home rule powers. See Florida League of Cities, *Understanding Florida's Home Rule Power*, May 2011, <https://www.floridaleagueofcities.com/docs/default-source/Civic-Education/historyofhomerule.pdf?sfvrsn=2> (last visited Apr. 18, 2025).

<sup>57</sup> See [ss. 125.01055\(1\), \(2\), and \(4\)](#) and [166.04151\(1\), \(2\), and \(4\)](#), F.S.

<sup>58</sup> [S. 420.615\(1\)](#), F.S.

<sup>59</sup> *Id.*

<sup>60</sup> [S. 420.615\(6\)](#), F.S.

<sup>61</sup> *Id.*

<sup>62</sup> Florida Housing Coalition, *Affordable Housing Incentive Strategies: A Guidebook for Affordable Housing Advisory Committee Members and Local Government Staff*, Aug. 2021, p. 49, <https://www.flhousing.org/wp-content/uploads/2021/08/8-4-21-AHAC-Guide-UPDATE.pdf> (last visited Apr. 18, 2025).

<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

<sup>65</sup> *Id.*

<sup>66</sup> [Section 202 of the Florida Building Code, Building, Eighth Edition](#).

<sup>67</sup> [S. 633.202\(1\)](#), F.S.



Current law provides that certain single-family or two-family dwellings that are converted into a certified recovery residence<sup>68</sup> or a recovery residence<sup>69</sup> is not a change of occupancy as defined in the Building Code solely due to such conversion.<sup>70</sup> Additionally, such certified recovery residence or recovery residence may not be reclassified for purposes of enforcing the Florida Fire Prevention code solely due to such use.<sup>71</sup>

## OTHER RESOURCES:

[Tenant Background Screening Reports](#)

## BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Housing, Agriculture &amp; Tourism Subcommittee</a>	15 Y, 2 N, As CS	3/11/2025	Curtin	Fletcher
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> <li>Modified the definition of “accessory dwelling unit” to include certain manufactured homes.</li> <li>Removed the requirement for the Florida Housing Finance Corporation to establish a mezzanine finance model program.</li> </ul>			
<a href="#">Intergovernmental Affairs Subcommittee</a>	16 Y, 1 N, As CS	4/9/2025	Darden	Burgess
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> <li>Removed change to the definition of “accessory dwelling unit” to include certain manufactured homes.</li> <li>Defined “primary dwelling unit.”</li> <li>Provided a date by which an ordinance to allow ADUs must be adopted and allowed local governments to regulate the permitting, construction, and use of ADUs, subject to certain exceptions.</li> <li>Required OPPAGA to study the effectiveness of mezzanine finance and the ability of tiny homes to meet state affordable housing needs.</li> </ul>			
<a href="#">Commerce Committee</a>	18 Y, 6 N, As CS	4/22/2025	Hamon	Fletcher
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> <li>Allowed landlords of residential real property to accept reusable tenant screening reports, and provided certain requirements and restrictions related thereto.</li> <li>Removed the prohibition on local governments from adopting certain ordinances related to the renting or leasing of an ADU.</li> <li>Prohibited local governments from adopting an ordinance to allow ADUs within areas of critical state concern.</li> <li>Prohibited single-family and two-family dwellings from being reclassified, for purposes of enforcing the Florida Fire Prevention Code, solely due to the dwelling’s use or conversion into a residence that provides support to people living with a mental health disorder, subject to certain requirements and limitations.</li> </ul>			

<sup>68</sup> “Certified recovery residence” means a recovery residence that holds a valid certificate of compliance and is actively managed by a certified recovery residence administrator. S. [397.311\(5\), F.S.](#)

<sup>69</sup> “Recovery residence” means a residential dwelling unit, the community housing component of a licensed day or night treatment facility with community housing, or other form of group housing, which is offered or advertised through any means, including oral, written, electronic, or printed means, by any person or entity as a residence that provides a peer-supported, alcohol-free, and drug-free living environment. S. [397.311\(39\), F.S.](#)

<sup>70</sup> S. [553.80\(10\), F.S.](#)

<sup>71</sup> S. [633.208\(11\), F.S.](#)

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

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