

By the Committee on Rules; the Appropriations Committee on Transportation, Tourism, and Economic Development; and Senators Gaetz, Osgood, Pizzo, and Arrington

595-02231-26

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A bill to be entitled

An act relating to housing; amending s. 163.31771, F.S.; defining the term "primary dwelling unit"; requiring local governments to adopt, by a specified date, an ordinance to allow accessory dwelling units to be approved in certain areas; requiring that such ordinances apply prospectively; providing that such ordinances may regulate specified actions; prohibiting the inclusion of certain requirements or prohibitions in such ordinances; providing an exception to the requirement that local governments adopt such ordinances; deleting a requirement that an application for a building permit to construct an accessory dwelling unit include a certain affidavit; revising the accessory dwelling units that apply toward satisfying a certain component of a local government's comprehensive plan; prohibiting the denial of a homestead exemption for certain portions of property on a specified basis; requiring that a rented accessory dwelling unit be assessed separately from the homestead property and taxed according to its use; amending s. 420.615, F.S.; authorizing a local government to provide a density bonus incentive to landowners who make certain real property donations to assist in the provision of affordable housing for military families; requiring the Office of Program Policy Analysis and Government Accountability to evaluate the efficacy of using mezzanine finance and the potential of tiny homes for specified purposes;

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30 requiring the office to consult with certain entities;
31 requiring the office to submit a certain report to the
32 Legislature by a specified date; providing an
33 effective date.

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

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37 Section 1. Subsections (2) through (5) of section
38 163.31771, Florida Statutes, are amended, and a new subsection
39 (5) is added to that section, to read:

40 163.31771 Accessory dwelling units.—

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

42 (a) "Accessory dwelling unit" means an ancillary or
43 secondary living unit, that has a separate kitchen, bathroom,
44 and sleeping area, existing either within the same structure, or
45 on the same lot, as the primary dwelling unit.

46 (b) "Affordable rental" means that monthly rent and
47 utilities do not exceed 30 percent of that amount which
48 represents the percentage of the median adjusted gross annual
49 income for extremely-low-income, very-low-income, low-income, or
50 moderate-income persons.

51 (d) "Local government" means a county or municipality.

52 (e) "Low-income persons" has the same meaning as in s.
53 420.0004(11).

54 (f) "Moderate-income persons" has the same meaning as in
55 s. 420.0004(12).

56 (g) "Primary dwelling unit" means an existing or proposed
57 single-family dwelling on the property where a proposed
58 accessory dwelling unit would be located.

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59 (h)-(f) "Very-low-income persons" has the same meaning as in
60 s. 420.0004(17).

61 (c)-(g) "Extremely-low-income persons" has the same meaning
62 as in s. 420.0004(9).

63 (3) By December 1, 2026, a local government shall may adopt
64 an ordinance to allow accessory dwelling units to be approved
65 without requiring a public hearing; a variance, conditional use
66 permit, special permit, or special exception; or other
67 discretionary action, other than a determination that a site
68 plan conforms with applicable zoning regulations, in any area
69 zoned for single-family residential use. Such ordinance must
70 apply prospectively to accessory dwelling units approved after
71 the date the ordinance is adopted. Such ordinance may regulate
72 the permitting, construction, and use of an accessory dwelling
73 unit but may not do any of the following:

74 (a) Prohibit the renting or leasing of an accessory
75 dwelling unit, except to prohibit the renting or leasing of an
76 accessory dwelling unit approved after the effective date of the
77 ordinance for a term of less than 1 month, notwithstanding s.
78 509.032(7)(b).

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

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

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

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88 (e) Impose discretionary review or hearing standards, such
89 as requiring a conditional use approval or special exception to
90 construct an accessory dwelling unit, or other review standards
91 that do not apply generally to other housing in the same
92 district or zone.

93

94 A local government that is required by state law to limit the
95 number of new dwelling units within the local government's
96 jurisdiction is not required to adopt an ordinance in accordance
97 with this subsection, but may adopt an ordinance to allow
98 accessory dwelling units in any area zoned for single-family
99 residential use.

100 ~~(4) An application for a building permit to construct an~~
101 ~~accessory dwelling unit must include an affidavit from the~~
102 ~~applicant which attests that the unit will be rented at an~~
103 ~~affordable rate to an extremely low-income, very low-income,~~
104 ~~low-income, or moderate-income person or persons.~~

105 ~~(5) Each accessory dwelling unit allowed by an ordinance~~
106 ~~adopted under this section which provides affordable rental~~
107 ~~housing shall apply toward satisfying the affordable housing~~
108 ~~component of the housing element in the local government's~~
109 ~~comprehensive plan under s. 163.3177(6)(f).~~

110 (5) The owner of a property with an accessory dwelling unit
111 may not be denied a homestead exemption for those portions of
112 property on which the owner maintains a permanent residence
113 solely on the basis of the property containing an accessory
114 dwelling unit that is or may be rented to another person.
115 However, if the accessory dwelling unit is rented to another
116 person, the accessory dwelling unit must be assessed separately

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117 from the homestead property and taxed according to its use.

118 Section 2. Subsection (1) of section 420.615, Florida
119 Statutes, is amended to read:

120 420.615 Affordable housing land donation density bonus
121 incentives.—

122 (1) A local government may provide density bonus incentives
123 pursuant to ~~the provisions of~~ this section to any landowner who
124 voluntarily donates fee simple interest in real property to the
125 local government for the purpose of assisting the local
126 government in providing affordable housing, including housing
127 that is affordable for military families receiving the basic
128 allowance for housing. Donated real property must be determined
129 by the local government to be appropriate for use as affordable
130 housing and must be subject to deed restrictions to ensure that
131 the property will be used for affordable housing.

132 Section 3. The Office of Program Policy Analysis and
133 Government Accountability (OPPAGA) shall evaluate the efficacy
134 of using mezzanine finance, or second-position short-term debt,
135 to stimulate the construction of owner-occupied housing that is
136 affordable as defined in s. 420.0004(3), Florida Statutes, in
137 this state. OPPAGA shall also evaluate the potential of tiny
138 homes in meeting the need for affordable housing in this state.
139 OPPAGA shall consult with the Florida Housing Finance
140 Corporation and the Shimberg Center for Housing Studies at the
141 University of Florida in conducting its evaluation. By December
142 31, 2027, OPPAGA shall submit a report of its findings to the
143 President of the Senate and the Speaker of the House of
144 Representatives. Such report must include recommendations for
145 the structuring of a model mezzanine finance program.

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Section 4. This act shall take effect July 1, 2026.