

By Senator Calatayud

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1 A bill to be entitled
 2 An act relating to development; amending ss. 125.01055
 3 and 166.04151, F.S.; deleting a provision related to
 4 the authorization of multifamily and mixed-use
 5 residential development uses in any area zoned for
 6 industrial use; prohibiting counties and
 7 municipalities, respectively, from restricting the
 8 floor area ratio of certain proposed developments
 9 under certain circumstances; providing that the
 10 density or floor area ratio of certain developments,
 11 bonuses, variances, or other special exceptions are
 12 not included in the calculation of the currently
 13 allowed density or floor area ratio by counties and
 14 municipalities, respectively; revising prohibitions
 15 relating to counties' and municipalities' restrictions
 16 of the height of certain proposed developments,
 17 respectively; authorizing counties and municipalities,
 18 respectively, to restrict the height of proposed
 19 developments under certain circumstances; providing
 20 that certain factors may not be taken into account in
 21 the calculation of the currently allowed height;
 22 prohibiting the administrative approval by counties
 23 and municipalities, respectively, of a proposed
 24 development within a specified proximity to a military
 25 installation; making technical changes; revising
 26 applicability; authorizing specified developments to
 27 be treated as a conforming use; amending s. 196.1978,
 28 F.S.; revising the definition of the term "newly
 29 constructed"; defining the term "substantial

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30 rehabilitation"; revising conditions for when
 31 multifamily projects are considered property used for
 32 a charitable purpose and are eligible to receive an ad
 33 valorem property tax exemption; making technical
 34 changes; requiring property appraisers to make certain
 35 exemptions from ad valorem property taxes; providing
 36 the method for determining the value of a unit for
 37 certain purposes; requiring property appraisers to
 38 review certain applications and make certain
 39 determinations; authorizing property appraisers to
 40 request and review additional information; authorizing
 41 property appraisers to grant exemptions only under
 42 certain conditions; revising requirements for property
 43 owners seeking a certification notice from the Florida
 44 Housing Finance Corporation; providing that a certain
 45 determination by the corporation does not constitute
 46 an exemption; specifying requirements for a market
 47 value analysis; conforming provisions to changes made
 48 by the act; providing for retroactive application;
 49 amending s. 333.03, F.S.; excluding certain proposed
 50 developments from specified airport zoning provisions;
 51 amending s. 420.5096, F.S.; making technical changes;
 52 providing an appropriation; providing an effective
 53 date.

54
55 Be It Enacted by the Legislature of the State of Florida:

56
57 Section 1. Paragraphs (a) through (d), (f), and (h) of
58 subsection (7) of section 125.01055, Florida Statutes, are

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59 amended, and subsection (8) is added to that section, to read:

60 125.01055 Affordable housing.—

61 (7) (a) A county must authorize multifamily and mixed-use
62 residential as allowable uses in any area zoned for commercial,
63 ~~industrial,~~ or mixed use if at least 40 percent of the
64 residential units in a proposed multifamily rental development
65 are, for a period of at least 30 years, affordable as defined in
66 s. 420.0004. Notwithstanding any other law, local ordinance, or
67 regulation to the contrary, a county may not require a proposed
68 multifamily development to obtain a zoning or land use change,
69 special exception, conditional use approval, variance, or
70 comprehensive plan amendment for the building height, zoning,
71 and densities authorized under this subsection. For mixed-use
72 residential projects, at least 65 percent of the total square
73 footage must be used for residential purposes.

74 (b) A county may not restrict the density or floor area
75 ratio of a proposed development authorized under this subsection
76 below the highest currently allowed density or floor area ratio
77 on any unincorporated land in the county where residential
78 development is allowed under the county's land development
79 regulations. The currently allowed density or floor area ratio
80 does not include the density or floor area ratio of any
81 development that meets the requirements of this subsection or
82 any bonuses, variances, or other special exceptions for density
83 or floor area ratio provided in the county's land development
84 regulations as incentives for development.

85 (c) A county may not restrict the height of a proposed
86 development authorized under this subsection below the highest
87 currently allowed height for a commercial or residential

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88 building development located in its jurisdiction within one-
89 quarter ~~±~~ mile of the proposed development or 3 stories,
90 whichever is higher. If the height of each building on property
91 adjacent to the proposed development is 3 stories or less, the
92 county may restrict the height of the proposed development to
93 125 percent of the tallest building on property adjacent to the
94 proposed development or 3 stories, whichever is higher. The
95 currently allowed height does not include the height of any
96 development that meets the requirements of this subsection or
97 any bonuses, variances, or other special exceptions for height
98 provided in the county's land development regulations as
99 incentives for development.

100 (d) A proposed development authorized under this subsection
101 must be administratively approved and no further action by the
102 board of county commissioners is required if the development
103 satisfies the county's land development regulations for
104 multifamily developments in areas zoned for such use and is
105 otherwise consistent with the comprehensive plan, with the
106 exception of provisions establishing allowable densities,
107 height, and land use. Such land development regulations include,
108 but are not limited to, regulations relating to setbacks and
109 parking requirements. A proposed development located within one-
110 quarter mile of a military installation identified in s.
111 163.3175(2) may not be administratively approved.

112 (f) For proposed multifamily developments in an
113 unincorporated area zoned for commercial ~~or industrial~~ use which
114 is within the boundaries of a multicounty independent special
115 district that was created to provide municipal services and is
116 not authorized to levy ad valorem taxes, and less than 20

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117 percent of the land area within such district is designated for
 118 commercial ~~or industrial~~ use, a county must authorize, as
 119 provided in this subsection, such development only if the
 120 development is mixed-use residential.

121 (h) This subsection does not apply to airport-impacted
 122 areas as provided in s. 333.03 ~~property defined as recreational~~
 123 ~~and commercial working waterfront in s. 342.201(2)(b) in any~~
 124 ~~area zoned as industrial.~~

125 (8) Any development authorized under paragraph (7)(a) must
 126 be treated as a conforming use even after the expiration of
 127 subsection (7) and the development's affordability period as
 128 provided in paragraph (7)(a), notwithstanding the county's
 129 comprehensive plan, future land use designation, or zoning. If
 130 at any point during the development's affordability period the
 131 development violates the affordability period requirement
 132 provided in paragraph (7)(a), the development must be allowed a
 133 reasonable time to cure such violation. If the violation is not
 134 cured within a reasonable time, the development must be treated
 135 as a nonconforming use.

136 Section 2. Paragraphs (a) through (d), (f), and (h) of
 137 subsection (7) of section 166.04151, Florida Statutes, are
 138 amended, and subsection (8) is added to that section, to read:

139 166.04151 Affordable housing.—

140 (7)(a) A municipality must authorize multifamily and mixed-
 141 use residential as allowable uses in any area zoned for
 142 commercial, ~~industrial~~, or mixed use if at least 40 percent of
 143 the residential units in a proposed multifamily rental
 144 development are, for a period of at least 30 years, affordable
 145 as defined in s. 420.0004. Notwithstanding any other law, local

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146 ordinance, or regulation to the contrary, a municipality may not
147 require a proposed multifamily development to obtain a zoning or
148 land use change, special exception, conditional use approval,
149 variance, or comprehensive plan amendment for the building
150 height, zoning, and densities authorized under this subsection.
151 For mixed-use residential projects, at least 65 percent of the
152 total square footage must be used for residential purposes.

153 (b) A municipality may not restrict the density or floor
154 area ratio of a proposed development authorized under this
155 subsection below the highest currently allowed density or floor
156 area ratio on any land in the municipality where residential
157 development is allowed under the municipality's land development
158 regulations. The currently allowed density or floor area ratio
159 does not include the density or floor area ratio of any
160 development that meets the requirements of this subsection or
161 any bonuses, variances, or other special exceptions for density
162 or floor area ratio provided in the municipality's land
163 development regulations as incentives for development.

164 (c) A municipality may not restrict the height of a
165 proposed development authorized under this subsection below the
166 highest currently allowed height for a commercial or residential
167 building development located in its jurisdiction within one-
168 quarter mile ~~1-mile~~ of the proposed development or 3 stories,
169 whichever is higher. If the height of each building on property
170 adjacent to the proposed development is 3 stories or less, the
171 municipality may restrict the height to 125 percent of the
172 tallest building on property adjacent to the proposed
173 development or 3 stories, whichever is higher. The currently
174 allowed height does not include the height of any development

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175 that meets the requirements of this subsection or any bonuses,
176 variances, or other special exceptions for height provided in
177 the municipality's land development regulations as incentives
178 for development.

179 (d) A proposed development authorized under this subsection
180 must be administratively approved and no further action by the
181 governing body of the municipality is required if the
182 development satisfies the municipality's land development
183 regulations for multifamily developments in areas zoned for such
184 use and is otherwise consistent with the comprehensive plan,
185 with the exception of provisions establishing allowable
186 densities, height, and land use. Such land development
187 regulations include, but are not limited to, regulations
188 relating to setbacks and parking requirements. A proposed
189 development located within one-quarter mile of a military
190 installation identified in s. 163.3175(2) may not be
191 administratively approved.

192 (f) A municipality that designates less than 20 percent of
193 the land area within its jurisdiction for commercial ~~or~~
194 ~~industrial~~ use must authorize a proposed multifamily development
195 as provided in this subsection in areas zoned for commercial ~~or~~
196 ~~industrial~~ use only if the proposed multifamily development is
197 mixed-use residential.

198 (h) This subsection does not apply to airport-impacted
199 areas as provided in s. 333.03 ~~property defined as recreational~~
200 ~~and commercial working waterfront in s. 342.201(2)(b) in any~~
201 ~~area zoned as industrial.~~

202 (8) Any development authorized under paragraph (7)(a) must
203 be treated as a conforming use even after the expiration of

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204 subsection (7) and the development's affordability period as
205 provided in paragraph (7) (a), notwithstanding the municipality's
206 comprehensive plan, future land use designation, or zoning. If
207 at any point during the development's affordability period the
208 development violates the affordability period requirement
209 provided in paragraph (7) (a), the development must be allowed a
210 reasonable time to cure such violation. If the violation is not
211 cured within a reasonable time, the development must be treated
212 as a nonconforming use.

213 Section 3. Subsection (3) of section 196.1978, Florida
214 Statutes, is amended to read:

215 196.1978 Affordable housing property exemption.—

216 (3) (a) As used in this subsection, the term:

217 1. "Corporation" means the Florida Housing Finance
218 Corporation.

219 2. "Newly constructed" means an improvement or the
220 substantial rehabilitation of an existing improvement to real
221 property which was substantially completed within 5 years before
222 the date of an applicant's first submission of a request for a
223 certification notice ~~or an application for an exemption~~ pursuant
224 to this subsection ~~section, whichever is earlier.~~

225 3. "Substantially completed" has the same meaning as in s.
226 192.042(1).

227 4. "Substantial rehabilitation" means the repair or
228 restoration of a unit which increases the market value of such
229 unit by at least 40 percent.

230 (b) Notwithstanding ss. 196.195 and 196.196, portions of
231 property in a multifamily project are considered property used
232 for a charitable purpose and are eligible to receive an ad

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233 valorem property tax exemption if such portions meet all of the
234 following conditions:

235 1. Provide affordable housing to natural persons or
236 families meeting the income limitations provided in paragraph
237 (d).~~†~~

238 2.a. Are within a newly constructed multifamily project
239 that contains more than 70 units dedicated to housing natural
240 persons or families meeting the income limitations provided in
241 paragraph (d); or

242 b. Are within a newly constructed multifamily project in an
243 area of critical state concern, as designated by s. 380.0552 or
244 chapter 28-36, Florida Administrative Code, which contains more
245 than 10 units dedicated to housing natural persons or families
246 meeting the income limitations provided in paragraph (d). and

247 3. Are rented for an amount that does not exceed the amount
248 as specified by the most recent multifamily rental programs
249 income and rent limit chart posted by the corporation and
250 derived from the Multifamily Tax Subsidy Projects Income Limits
251 published by the United States Department of Housing and Urban
252 Development or 90 percent of the fair market value rent as
253 determined by a rental market study meeting the requirements of
254 paragraph (l) ~~(m)~~, whichever is less.

255 (c) If a unit that in the previous year received ~~qualified~~
256 ~~for~~ the exemption under this subsection and was occupied by a
257 tenant is vacant on January 1, the vacant unit is eligible for
258 the exemption if the use of the unit is restricted to providing
259 affordable housing that would otherwise meet the requirements of
260 this subsection and a reasonable effort is made to lease the
261 unit to eligible persons or families.

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262 (d)1. The property appraiser shall exempt:

263 a. Seventy-five percent of the assessed value of the units
264 in multifamily projects that meet the requirements of this
265 subsection and are ~~Qualified property~~ used to house natural
266 persons or families whose annual household income is greater
267 than 80 percent but not more than 120 percent of the median
268 annual adjusted gross income for households within the
269 metropolitan statistical area or, if not within a metropolitan
270 statistical area, within the county in which the person or
271 family resides; and, ~~must receive an ad valorem property tax~~
272 ~~exemption of 75 percent of the assessed value.~~

273 b.2. From ad valorem property taxes the units in
274 multifamily projects that meet the requirements of this
275 subsection and are ~~Qualified property~~ used to house natural
276 persons or families whose annual household income does not
277 exceed 80 percent of the median annual adjusted gross income for
278 households within the metropolitan statistical area or, if not
279 within a metropolitan statistical area, within the county in
280 which the person or family resides, ~~is exempt from ad valorem~~
281 ~~property taxes.~~

282 2. When determining the value of a unit for purposes of
283 applying an exemption pursuant to this paragraph, the property
284 appraiser must include in such valuation the proportionate share
285 of the residential common areas, including the land, fairly
286 attributable to such unit.

287 (e) To be eligible to receive an exemption under this
288 subsection, a property owner must submit an application on a
289 form prescribed by the department by March 1 for the exemption,
290 accompanied by a certification notice from the corporation to

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291 the property appraiser. The property appraiser shall review the
292 application and determine whether the applicant meets all of the
293 requirements of this subsection and is entitled to an exemption.
294 A property appraiser may request and review additional
295 information necessary to make such determination. A property
296 appraiser may grant an exemption only for a property for which
297 the corporation has issued a certification notice and which the
298 property appraiser determines is entitled to an exemption.

299 (f) To receive a certification notice, a property owner
300 must submit a request to the corporation ~~for certification~~ on a
301 form provided by the corporation which includes all of the
302 following:

303 1. The most recently completed rental market study meeting
304 the requirements of paragraph (l) ~~(m)~~.

305 2. A list of the units for which the property owner seeks
306 an exemption.

307 3. The rent amount received by the property owner for each
308 unit for which the property owner seeks an exemption. If a unit
309 is vacant and qualifies for an exemption under paragraph (c),
310 the property owner must provide evidence of the published rent
311 amount for each vacant unit.

312 4. If the units for which the property owner seeks an
313 exemption have been substantially rehabilitated but have not
314 been certified previously by the corporation pursuant to
315 paragraph (g), a market value analysis meeting the requirements
316 of paragraph (m) demonstrating that the units meet the
317 definition of substantial rehabilitation in subparagraph (a)4.
318 After receiving an initial certification notice for
319 substantially rehabilitated units, a property owner is not

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320 required to submit a new market value analysis when requesting
 321 certification notices for subsequent years.

322 5. A sworn statement, under penalty of perjury, from the
 323 applicant restricting the property for a period of not less than
 324 3 years to housing persons or families who meet the income
 325 limitations under this subsection.

326 (g) The corporation shall review the request for a
 327 certification notice and certify whether a property that meets
 328 the eligibility criteria of paragraphs (b) and (c) this
 329 subsection. A determination by the corporation regarding a
 330 request for a certification notice does not constitute a grant
 331 of an exemption pursuant to this subsection or final agency
 332 action pursuant to chapter 120.

333 1. If the corporation determines that the property meets
 334 the eligibility criteria ~~for an exemption under this subsection,~~
 335 the corporation must send a certification notice to the property
 336 owner and the property appraiser.

337 2. If the corporation determines that the property does not
 338 meet the eligibility criteria, the corporation must notify the
 339 property owner and include the reasons for such determination.

340 (h) The corporation shall post on its website the deadline
 341 to submit a request for a certification notice. The deadline
 342 must allow adequate time for a property owner to submit a timely
 343 application for exemption to the property appraiser.

344 ~~(i) The property appraiser shall review the application and~~
 345 ~~determine if the applicant is entitled to an exemption. A~~
 346 ~~property appraiser may grant an exemption only for a property~~
 347 ~~for which the corporation has issued a certification notice.~~

348 ~~(j)~~ If the property appraiser determines that for any year

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349 during the immediately previous 10 years a person who was not
350 entitled to an exemption under this subsection was granted such
351 an exemption, the property appraiser must serve upon the owner a
352 notice of intent to record in the public records of the county a
353 notice of tax lien against any property owned by that person in
354 the county, and that property must be identified in the notice
355 of tax lien. Any property owned by the taxpayer and situated in
356 this state is subject to the taxes exempted by the improper
357 exemption, plus a penalty of 50 percent of the unpaid taxes for
358 each year and interest at a rate of 15 percent per annum. If an
359 exemption is improperly granted as a result of a clerical
360 mistake or an omission by the property appraiser, the property
361 owner improperly receiving the exemption may not be assessed a
362 penalty or interest.

363 (j)~~(k)~~ Units subject to an agreement with the corporation
364 pursuant to chapter 420 recorded in the official records of the
365 county in which the property is located to provide housing to
366 natural persons or families meeting the extremely-low-income,
367 very-low-income, or low-income limits specified in s. 420.0004
368 are not eligible for this exemption.

369 (k)~~(l)~~ Property receiving an exemption pursuant to s.
370 196.1979 is not eligible for this exemption.

371 (l)~~(m)~~ A rental market study submitted as required by
372 subparagraph (f)1. ~~paragraph (f)~~ must identify the fair market
373 value rent of each unit for which a property owner seeks an
374 exemption. Only a certified general appraiser as defined in
375 s. 475.611 may issue a rental market study. The certified
376 general appraiser must be independent of the property owner who
377 requests the rental market study. In preparing the rental market

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378 study, a certified general appraiser shall comply with the
379 standards of professional practice pursuant to part II of
380 chapter 475 and use comparable property within the same
381 geographic area and of the same type as the property for which
382 the exemption is sought. A rental market study must have been
383 completed within 3 years before submission of the application.

384 (m) A market value analysis submitted as required by
385 subparagraph (f)4. must identify the change in the market value
386 of the unit attributable to the rehabilitation of the unit,
387 expressed as a percentage of the market value before the
388 rehabilitation, for each unit that has undergone rehabilitation.
389 Only a certified general appraiser as defined in s. 475.611 may
390 issue a market value analysis. The certified general appraiser
391 must be independent of the property owner who requests the
392 market value analysis. In preparing the market value analysis, a
393 certified general appraiser shall comply with the standards of
394 professional practice pursuant to part II of chapter 475 and use
395 comparable property within the same geographic area and of the
396 same type as the property for which the exemption is sought.

397 (n) The corporation may adopt rules to implement this
398 section.

399 (o) This subsection first applies to the 2024 tax roll and
400 is repealed December 31, 2059.

401 Section 4. The amendments made by this act to s. 196.1978,
402 Florida Statutes, are intended to be remedial and clarifying in
403 nature and apply retroactively to January 1, 2024.

404 Section 5. Present subsection (5) of section 333.03,
405 Florida Statutes, is redesignated as subsection (6), and a new
406 subsection (5) is added to that section, to read:

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407 333.03 Requirement to adopt airport zoning regulations.—
 408 (5) Sections 125.01055(7) and 166.04151(7) do not apply to
 409 any of the following:

410 (a) A proposed development within 10,000 feet of the
 411 nearest point of any existing airport runway or planned airport
 412 runway identified in the local government’s airport master plan.

413 (b) A proposed development within any airport noise zone
 414 identified in the federal land use compatibility table.

415 (c) A proposed development that exceeds maximum height
 416 restrictions identified in the political subdivision’s airport
 417 zoning regulation adopted pursuant to this section.

418 Section 6. Subsection (3) of section 420.5096, Florida
 419 Statutes, is amended to read:

420 420.5096 Florida Hometown Hero Program.—

421 (3) For loans made available pursuant to s.
 422 420.507(23)(a)1. or 2., the corporation may underwrite and make
 423 those mortgage loans through the program to persons or families
 424 who have household incomes that do not exceed 150 percent of the
 425 state median income or local median income, whichever is
 426 greater. A borrower must be seeking to purchase a home as a
 427 primary residence; must be a first-time homebuyer and a Florida
 428 resident; and must be employed full-time by a Florida-based
 429 employer. The borrower must provide documentation of full-time
 430 employment, or full-time status for self-employed individuals,
 431 ~~of 35 hours or more per week.~~ The requirement to be a first-time
 432 homebuyer does not apply to a borrower who is an active duty
 433 servicemember of a branch of the armed forces or the Florida
 434 National Guard, as defined in s. 250.01, or a veteran.

435 Section 7. For the 2024-2025 fiscal year, from the funds

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436 received and deposited into the General Revenue Fund from the
437 state's allocation from the federal Coronavirus State Fiscal
438 Recovery Fund created under the American Rescue Plan Act of
439 2021, Pub. L. No. 117-2, the sum of \$100 million in nonrecurring
440 funds is appropriated to the State Housing Trust Fund for use by
441 the Florida Housing Finance Corporation to implement the Florida
442 Hometown Hero Program established in s. 420.5096, Florida
443 Statutes.

444 Section 8. This act shall take effect upon becoming a law.