

1                   A bill to be entitled  
2           An act relating to affordable housing; amending ss.  
3           125.01055 and 166.04151, F.S.; deleting a provision  
4           related to the authorization of multifamily and mixed-  
5           use 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  
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  
 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  
 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

101 subsection must be administratively approved and no further  
 102 action by the board of county commissioners is required if the  
 103 development satisfies the county's land development regulations  
 104 for 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  
 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  
141 mixed-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  
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  
 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  
 180 subsection must be administratively approved and no further  
 181 action by the governing body of the municipality is required if  
 182 the 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  
 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  
 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  
 243 an area of critical state concern, as designated by s. 380.0552  
 244 or chapter 28-36, Florida Administrative Code, which contains  
 245 more than 10 units dedicated to housing natural persons or  
 246 families meeting the income limitations provided in paragraph  
 247 (d). ~~and~~

248 3. Are rented for an amount that does not exceed the  
 249 amount as specified by the most recent multifamily rental  
 250 programs income and rent limit chart posted by the corporation

251 and derived from the Multifamily Tax Subsidy Projects Income  
 252 Limits published by the United States Department of Housing and  
 253 Urban Development or 90 percent of the fair market value rent as  
 254 determined by a rental market study meeting the requirements of  
 255 paragraph (l) ~~(m)~~, whichever is less.

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

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

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

274 ~~b.2.~~ From ad valorem property taxes the units in  
 275 multifamily projects that meet the requirements of this

276 subsection and are ~~Qualified property~~ used to house natural  
277 persons or families whose annual household income does not  
278 exceed 80 percent of the median annual adjusted gross income for  
279 households within the metropolitan statistical area or, if not  
280 within a metropolitan statistical area, within the county in  
281 which the person or family resides, ~~is exempt from ad valorem~~  
282 property taxes.

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

288 (e) To be eligible to receive an exemption under this  
289 subsection, a property owner must submit an application on a  
290 form prescribed by the department by March 1 for the exemption,  
291 accompanied by a certification notice from the corporation to  
292 the property appraiser. The property appraiser shall review the  
293 application and determine whether the applicant meets all of the  
294 requirements of this subsection and is entitled to an exemption.  
295 A property appraiser may request and review additional  
296 information necessary to make such determination. A property  
297 appraiser may grant an exemption only for a property for which  
298 the corporation has issued a certification notice and which the  
299 property appraiser determines is entitled to an exemption.

300 (f) To receive a certification notice, a property owner

301 must submit a request to the corporation ~~for certification~~ on a  
302 form provided by the corporation which includes all of the  
303 following:

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

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

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

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

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

326 limitations under this subsection.

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

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

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

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

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

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

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

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

371 (k)~~(l)~~ Property receiving an exemption pursuant to s.  
372 196.1979 is not eligible for this exemption.

373 (l)~~(m)~~ A rental market study submitted as required by  
374 subparagraph (f)1. ~~paragraph (f)~~ must identify the fair market  
375 value rent of each unit for which a property owner seeks an

376 exemption. Only a certified general appraiser as defined in s.  
377 475.611 may issue a rental market study. The certified general  
378 appraiser must be independent of the property owner who requests  
379 the rental market study. In preparing the rental market study, a  
380 certified general appraiser shall comply with the standards of  
381 professional practice pursuant to part II of chapter 475 and use  
382 comparable property within the same geographic area and of the  
383 same type as the property for which the exemption is sought. A  
384 rental market study must have been completed within 3 years  
385 before submission of the application.

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

399 (n) The corporation may adopt rules to implement this  
400 section.



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

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

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

409 333.03 Requirement to adopt airport zoning regulations.—

410 (5) Sections 125.01055(7) and 166.04151(7) do not apply to  
411 any of the following:

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

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

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

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

422 420.5096 Florida Hometown Hero Program.—

423 (3) For loans made available pursuant to s.  
424 420.507(23)(a)1. or 2., the corporation may underwrite and make  
425 those mortgage loans through the program to persons or families

426 | who have household incomes that do not exceed 150 percent of the  
427 | state median income or local median income, whichever is  
428 | greater. A borrower must be seeking to purchase a home as a  
429 | primary residence; must be a first-time homebuyer and a Florida  
430 | resident; and must be employed full-time by a Florida-based  
431 | employer. The borrower must provide documentation of full-time  
432 | employment, or full-time status for self-employed individuals,  
433 | ~~of 35 hours or more per week~~. The requirement to be a first-time  
434 | homebuyer does not apply to a borrower who is an active duty  
435 | servicemember of a branch of the armed forces or the Florida  
436 | National Guard, as defined in s. 250.01, or a veteran.

437 |       Section 7. For the 2024-2025 fiscal year, from the funds  
438 | received and deposited into the General Revenue Fund from the  
439 | state's allocation from the federal Coronavirus State Fiscal  
440 | Recovery Fund created under the American Rescue Plan Act of  
441 | 2021, Pub. L. No. 117-2, the sum of \$100 million in nonrecurring  
442 | funds is appropriated to the State Housing Trust Fund for use by  
443 | the Florida Housing Finance Corporation to implement the Florida  
444 | Hometown Hero Program established in s. 420.5096, Florida  
445 | Statutes.

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