



Meeting Name: Town Council
Meeting Date: February 28, 2024
Prepared By: L. Rubin, Town Attorney
Item Title: Ordinance No. 782 – Implementation of Live Local Act (“First Reading”)

DISCUSSION:

At the recommendation of the Planning and Zoning Board and with the approval of the Town Council, this office has prepared an Ordinance implementing the provisions of Chapter 2023-17, Laws of Florida, as codified in Section 166.04151(7), Florida Statutes, and known as the Live Local Act. The Act was intended to streamline and incentivize affordable housing developments within the State of Florida and preempts certain use, density, and height regulations for qualifying developments that provide for the establishment of affordable multi-family rental housing. Because less than twenty percent of the Town’s land area is designated for commercial or industrial use, all qualifying projects within the Town must be mixed-use residential, containing both residential and non-residential components. The Act requires **administrative approval** for mixed-use residential developments where at least forty percent (40%) of the residential units are, for a period of at least thirty years, affordable as defined in Section 420.004, Florida Statutes.

The purpose of the proposed Ordinance is to supplement and clarify the provisions of the Act for projects proposed within the Town and provides as follows:

1. Live local projects are permitted in each of the Town’s commercial zoning districts: Commercial General (CG), Commercial Office (CO), and Medical Commercial (MC).
2. All projects shall be reviewed by the Town’s Development Review Committee and shall be subject to the Site Plan and Appearance Review procedures and shall meet all criteria set forth in Article II, Division 4 of Chapter 34 (Zoning).
3. Upon receipt of an application, the Town shall notify the public by posting notice of the application on the Town website and providing notice to the public through the Town’s e-mail database. The notice shall indicate that copies of all application materials are available upon request.
4. The application shall be subject to administrative review and approval by the Planning and Zoning Director as required by the Act and shall only be approved if it meets all applicable land development regulations, including the Town’s community appearance standards. Additionally, the Director shall

determine whether the project is consistent with the Town's Comprehensive Development Plan, except those provisions expressly preempted by statute (relating to location within specified zoning districts, height, and density). The application shall also be subject to engineering review during the building permitting process.

5. The maximum height shall be limited to height permitted as of right (without any bonuses available via special exception or otherwise) for a residential or commercial project within the Town within one mile of the proposed project. The maximum height of any structure within the Town is twelve (12) stories and one hundred and thirty (130) feet (as permitted in the Residential High (RH) zoning district).
6. The maximum density is limited to maximum residential density permitted as of right for a residential or commercial project within the Town or eighteen (18) units per acre as permitted in the Residential High (RH) zoning district.
7. All projects shall have maximum of seventy-five percent of residential use based on total gross floor area consistent with the existing regulations governing mixed-use projects in commercial zoning districts.
8. If the project is utilizing the height and density permitted in the Residential High (RH) zoning district, the Town shall apply the building site area regulations for that district, including the expanded high-rise setbacks. For purely non-residential components or for mixed-use structures that do not exceed four stories or sixty feet in height, the project shall comply with the building site area regulations of the underlying zoning district.
9. The project shall provide two parking spaces per residential unit and one guest space for every seven units as required for residential projects within commercial zoning districts. Parking for the commercial uses shall meet the Code requirements. Because there are no major transit stops within the Town, the Town will not consider reduction in these requirements; however, the project may propose shared parking in accordance with the Code requirements. Approval of shared parking is not mandatory.
10. Affordable units and market units shall be located within the same structure. All common areas and amenities shall be accessible and available to all residents. Access to the required affordable dwelling units shall be provided through the same principal entrances utilized by all other dwelling units in the development. The square footage and number of bedrooms in the affordable dwelling units shall be proportional to the square footage and number of bedrooms in market rate dwelling units.
11. All residential and non-residential components shall be located on the same or unified lot.
12. The Town shall impose a condition of approval requiring that 40% of the units remain affordable for a period of 30 years and no permits shall be issued until the property owner executes and delivers to the Town, a covenant, declaration, or other deed restriction ensuring compliance. Additionally, the property owner shall provide to the Town, each year on January 15th, copies of all leases then in effect for the affordable units, together with such other documentation necessary to demonstrate that such leases meet the affordability criteria set forth in Section 420.0004, Florida Statutes.
13. Any aggrieved or adversely affected party may appeal any order, decision, or interpretation of the enforcement of these regulations to the Town Council, sitting as the Zoning Board of Adjustment and Appeals.

Note: There is a bill (SB 328) pending in the Florida Legislature that would modify the provisions of Section 166.04151(7), Florida Statutes. The bill clarifies that density is the maximum density (or floor area ratio) permitted under the municipality's land development regulations without consideration of any

bonuses, variances, or other special exceptions. Additionally, the maximum height is limited to the maximum height for a commercial or residential building within one-quarter mile of the proposed project (without consideration of bonuses, variances, or other special exceptions). Furthermore, if the height of each building on property adjacent to the proposed development is three stories or less, a municipality may restrict the height to 125% of the tallest building on property adjacent to the proposed development or three stories, whichever is higher.

ACTION OF PLANNING AND ZONING BOARD:

The Planning and Zoning Board unanimously recommended approval of the Ordinance with three revisions. First, the Board requesting the addition of a “guidance statement” regarding interpretation of the new regulations. This guidance statement has been incorporated in Section 34-1325(c) and directs Town Staff to interpret the regulations “in a manner that would best preserve the town’s small-town, coastal character and its commitment to environmental preservation.” Second, the Board suggested that public notice of an application be provided within forty-eight (48) hours of the submission of an application, and Section 34-1326(b) has been revised to incorporate this change. Finally, given the pending legislation amending the statutory preemption, a new Section 34-1331 has been added to provide that in the event of a change in state law that affords the Town greater regulatory authority and/or the ability to restrict Live Local Act developments in a manner that is more consistent with the Town’s current character and zoning code regulations, the Town shall expeditiously move forward with revising the regulations and the revised regulations shall apply to any project for which administrative development approval has not yet been issued.

RECOMMENDATION:

Staff recommends that the Town Council review Ordinance No. 782 and consider adoption on first reading.

TOWN OF JUNO BEACH, FLORIDA

ORDINANCE NO. 782

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA AMENDING CHAPTER 34, "ZONING," OF THE TOWN CODE OF ORDINANCES TO BY AMENDING ARTICLE IV, "SUPPLEMENTAL REGULATIONS," TO ADOPT A NEW DIVISION 18, "LIVE LOCAL ACT," TO IMPLEMENT CHAPTER 2023-17, LAWS OF FLORIDA; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, on March 29, 2023, the Governor signed into law Senate Bill 102, "Live Local Act," codified by Chapter 2023-17, Laws of Florida ("Act"), which is intended to streamline and incentivize affordable housing developments with the State of Florida; and

WHEREAS, the Act preempts certain use, density, and height regulations for qualifying developments that provide for the establishment of affordable multi-family rental housing in commercial, industrial, and mixed-use areas; and

WHEREAS, notwithstanding such preemption, the Town retains its home rule authority to establish land development regulations to implement the Act and adopt regulations that are not expressly preempted by the Act; and

WHEREAS, the Act provides that if a municipality has designated less than twenty percent of its land area within its jurisdictional boundaries for commercial or industrial use, the municipality is only required to allow multi-family affordable housing as part of a mixed-use development; and

WHEREAS, because less than twenty percent of the land area within the Town is designated for commercial or industrial uses, any development submitted pursuant to the Act must consist of a mixed-use residential project as defined in the Act; and

WHEREAS, the Town's Planning and Zoning Board has conducted a public hearing on this Ordinance and has provided its recommendation to the Town Council; and

WHEREAS, the Town Council has determined that adoption of this Ordinance is in the best interests of the general welfare of the residents and property owners of the Town of Juno Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA as follows:

Section 1. The foregoing "Whereas" clauses are hereby ratified as true and confirmed and are incorporated herein.

Section 2. The Town Council hereby amends Article IV, "Supplemental Regulations," of Chapter 34, "Zoning," of the Town Code of Ordinance by adopting a new Division 18, "Live Local Act," to read as follows (additional language underlined):

1
2 **DIVISION 18. LIVE LOCAL ACT**
3

4 **Sec. 34-1325. Applicability and intent.**
5

6 (a) The provisions of this division shall apply to all applications for
7 the development of land for mixed-use projects with affordable multi-family
8 residential units pursuant to Live Local Act, as set forth in Section
9 166.04151(7), Florida Statutes (“Act”).

10
11 (b) Such projects shall only be permitted in the Commercial General
12 (CG), Commercial Office (CO), and Medical Commercial (MC) zoning districts.
13

14 (c) The intent of these regulations is to establish a regulatory
15 framework for consideration of projects submitted pursuant to the Act. In
16 adopting these regulations, the town council recognizes that there may be
17 some ambiguity or need for additional interpretation. To the extent not
18 expressly preempted by state law, town staff is directed to interpret these
19 regulations in a manner that would best preserve the town’s small-town,
20 coastal character and its commitment to environmental preservation.
21

22 **Sec. 34-1326. Procedure.**
23

24 (a) All projects shall be reviewed by the town’s development review
25 committee and shall be subject to the site plan and appearance review
26 procedures and shall meet all criteria set forth in article II, division 4 of this
27 chapter.
28

29 (b) Within forty-eight (48) hours of receipt of an application for
30 development approval, the town shall notify the public by posting notice of the
31 application on the Town website and providing notice to the public through the
32 Town’s e-mail database. The notice shall indicate that copies of all application
33 materials shall be provided upon request.
34

35 (c) The application shall be subject to administrative review as
36 required by the Act, and the project shall be approved by the planning and
37 zoning director only if it meets all applicable land development regulations,
38 including the community appearance standards set forth in division 14 of article
39 II of this chapter, and the requirements of this division. The director shall
40 further determine that the project is consistent with the provisions of the
41 comprehensive development plan, except those provisions expressly
42 preempted by Section 166.04151(7), Florida Statutes, relating to location with
43 specified zoning districts, height, and density.
44

45 (d) The application shall be subject to engineering review and

1 approval during the building permitting process in the same manner as any
2 other development application.

3
4 **Sec. 34-1327. Limitations on height and density.**

5
6 (a) Height. Pursuant to Section 166.04151(7), Florida Statutes, the
7 maximum height permitted shall be limited to the height permitted as of right
8 for a commercial or residential project within the town within one (1) mile of the
9 proposed development without consideration of any bonuses or modifications
10 permitted through the special exception process or otherwise. In no event
11 shall the height of any structure exceed twelve (12) stories and one hundred
12 and thirty (130) feet.

13
14 (b) Density. Pursuant to Section 166.04151(7), Florida Statutes, the
15 maximum density permitted shall be limited to density permitted as of right for
16 a residential project within the town without consideration of any bonuses or
17 modifications permitted through the special exception process or otherwise.
18 In no event shall the residential density of any proposed development exceed
19 eighteen (18) units per acre.

20
21 **Sec. 34-1328. Development standards and criteria.**

22
23 (a) Required mix of uses. Consistent with the existing regulations
24 governing mixed-use projects within the town’s commercial zoning districts, all
25 projects submitted pursuant to this division shall have a maximum of seventy-
26 five (75) percent of residential use based on total gross floor area.

27
28 (b) Building site area regulations.

29
30 1. If the project is utilizing the height and density permitted
31 in the town’s Residential High (RH) zoning district, the
32 following site area regulations shall apply:

- 33
- 34 a. Minimum total area: 40,000 square feet;
- 35 b. Minimum lot width: 150 feet;
- 36 c. Minimum lot depth: 200 feet;
- 37 d. Front set yard setback: 30 feet from street line;
- 38 e. Side yard setback: 35 feet with one side having a
39 minimum of 15 feet;
- 40 f. Rear yard setback: 30 feet;
- 41 g. Minimum floor space per dwelling unit: 1,000
42 square feet of habitable space for a one bedroom;
43 1,200 square feet of habitable space for a two
44 bedroom; and 1,400 square feet of habitable space
45 for three or more bedrooms;

- 1 h. Maximum building dimension: 150 feet, provided,
- 2 however that along the building face having the
- 3 maximum dimension, said dimension may be
- 4 increased to no more than 175 feet;
- 5 i. Maximum lot coverage: 50%; and
- 6 j. Minimum landscaped open space: 15% of lot area.

7

8 In addition to the foregoing, all structures exceeding two

9 (2) stories shall comply with the high-rise setback, which

10 requires thirty (30) feet from all property lines and an

11 additional five (5) feet of setback at ground level for each

12 additional story beyond the first two stories up to a

13 maximum of sixty (60) feet. For those lots having a width

14 of two hundred (200) feet or less as recorded in the office

15 of the county property appraiser, the maximum setbacks

16 shall not exceed fifty (50) feet; however, the maximum

17 building dimension on such lots shall not exceed one

18 hundred and fifty (150) feet.

- 19
- 20 2. For purely non-residential components of the project or
- 21 mixed-use structures where the height does not exceed
- 22 four (4) stories and sixty (60) feet, the project shall comply
- 23 with the building site area regulations of the applicable
- 24 commercial zoning district.

25

26 (c) *Parking.* The project shall provide for two (2) spaces per

27 residential unit and one (1) guest space for every seven (7) units as required

28 for residential uses in commercial zoning districts. The parking for commercial

29 uses shall be governed by division 4 of article IV of this chapter. Due to the

30 lack of any major transit stops in the town, no parking reductions shall be

31 considered. However, the project may propose, for consideration and

32 approval by the town, shared parking in accordance with the criteria governing

33 the minimum parking requirements for mixed-use projects in the town's

34 commercial zoning districts.

35

36 (d) *Equivalent treatment of all dwelling units.* All affordable dwelling

37 units and market rate dwelling units shall be located within the same structure.

38 All common areas and amenities shall be accessible and available to all

39 residents of the development. Access to the required affordable dwelling units

40 shall be provided through the same principal entrances utilized by all other

41 dwelling units in the development. Additionally, the overall square footage and

42 number of bedrooms in the affordable dwelling units shall be proportional to

43 the overall square footage and number of bedrooms in the market rate dwelling

44 units. By way of example, if twenty-five (25) percent of the market rate dwelling

45 units consist of two bedrooms, then twenty-five (25) percent of the affordable

1 dwelling units shall have two bedrooms, and the affordable dwelling units shall
2 be similar in size to the market rate dwelling units.

3
4 (e) *Unified lot.* All residential and non-residential components of the
5 site plan shall be located on the same or unified lot.

6
7 **Sec. 34-1329. Affordability.**

8
9 (a) Pursuant to Section 166.04151(7), Florida Statutes, at least forty
10 (40) percent of the multi-family residential units shall remain affordable, as
11 defined in Section 420.0004, Florida Statutes, for a period of at least thirty (30)
12 years. This requirement shall be incorporated as a condition into any
13 administrative approval. Furthermore, as prerequisite to the issuance of a
14 building permit, the applicant shall execute and deliver to the town for
15 recordation in the public records, on a form approved by the town attorney, a
16 covenant, declaration, or other deed restriction in favor of the town ensuring
17 compliance with this affordability requirement.

18
19 (b) The applicant shall provide to the town, on January 15th of each
20 year subsequent to the town's issuance of a certificate of occupancy for the
21 project, copies of all leases then in effect for the affordable units, together with
22 such documentation necessary to demonstrate that such leases meet the
23 affordability criteria set forth in Section 420.0004, Florida Statutes.

24
25 **Sec. 34-1330. Appeals.**

26
27 Any aggrieved or adversely affected party may appeal an administrative
28 order, decision, approval, or interpretation in the enforcement of the
29 regulations of this division to the zoning board of adjustment and appeals in
30 accordance with section 34-66 of the town code.

31
32 **Sec. 34-1331. Changes to state law.**

33
34 In the event of a change in state law that affords the town greater
35 regulatory authority and/or the ability to restrict developments submitted
36 pursuant to the Act in a manner that is more consistent with the town's current
37 character and zoning code regulations, the town shall amend this division to
38 reflect such change. All applicants are hereby placed on notice that such
39 changes shall be commenced in an expeditious manner and that all projects
40 for which administrative development approval has not been issued shall
41 comply with the revised regulations.

42
43 **Section 3.** The provisions of this Ordinance shall become and be made a part of the
44 Code of Ordinances of the Town of Juno Beach. The sections of this Ordinance may be
45 renumbered or relettered to accomplish such, and the word "ordinance" may be changed to

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 (1) ~~(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.