



Collier County
Growth Management Community Development

**Development Services Advisory Committee
Land Development Review
Subcommittee**

- Special Public Meeting -

**Tuesday, May 21, 2024
3:00 pm**

**2800 N. Horseshoe Dr.
Naples, FL 34104**

**Growth Management Community Development
Department
Conference Room 609/610**

**If you have any questions or wish to meet with staff,
please contact,
Eric Johnson at (239) 252-2931 or Eric.Johnson@colliercountyfl.gov**

**DSAC – Land Development Review Subcommittee
2024 Land Development Code Amendments
- Special Public Meeting -**

Agenda

Tuesday, May 21, 2024

3:00 pm

2800 N. Horseshoe Dr., Naples, FL 34104

Growth Management Community Development, Conference Rooms 609/610

NOTICE:

Persons wishing to speak on any Agenda item will receive up to three (3) minutes unless the Chairman adjusts the time. Speakers are required to fill out a "Speaker Registration Form", list the topic they wish to address, and hand it to the Staff member before the meeting begins. Please wait to be recognized by the Chairman and speak into a microphone. State your name and affiliation before commenting. During the discussion, Committee Members may direct questions to the speaker.

Please silence cell phones and digital devices. There may not be a break in this meeting. Please leave the room to conduct any personal business. All parties participating in the public meeting are to observe Roberts Rules of Order and wait to be recognized by the Chairman. Please speak one at a time and into the microphone so the Hearing Reporter can record all statements being made.

1. Call to order - Chairman.
2. Approval of Agenda
3. Old Business
4. New Business
 - a. PL20210002602 - Rural Architectural Standards
 - b. PL20240005299 - Major Transit Stop Definition
5. Public Speakers
6. Upcoming DSAC-LDR Subcommittee Meeting Dates:
 - a. Tuesday, July 16, 2024
 - b. Tuesday, October 15, 2024
7. Adjourn

FUTURE MEETING DATES:

Tuesday, July 16, 2024

Tuesday, October 15, 2024

Attendance Sign-In Sheet

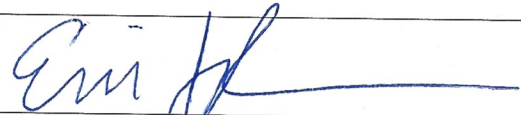
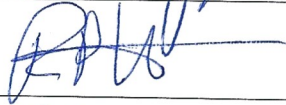

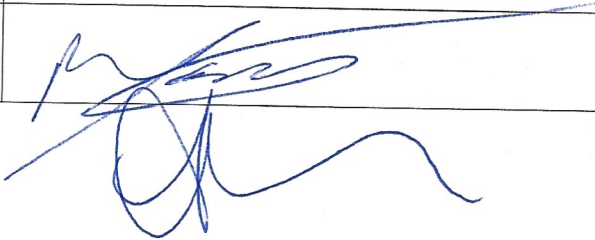
Development Services Advisory Committee – Land Development Review Subcommittee

Tuesday, May 21, 2024

GMCD Building, Conference Room 609/610

3:00 PM

Committee Members	
Name	Signature
Clay Brooker	
Jeff Curl	
Blair Foley	
Mark McLean	
Robert Mulhere	
James Boughton (Optional)	

Staff Members	
Mike Bosi, Planning and Zoning Division Director	
Eric Johnson, LDC Planning Manager	
Richard Henderlong, Planner III	
Marissa Fewell, Planner III	
Angela Galiano, Planner II	
Rey Torres Fuentes, Operations Support Specialist I, ORM	

Alexandra Casanova

Rural Architectural Standards

Land Development Code
Amendment
PL20210002602

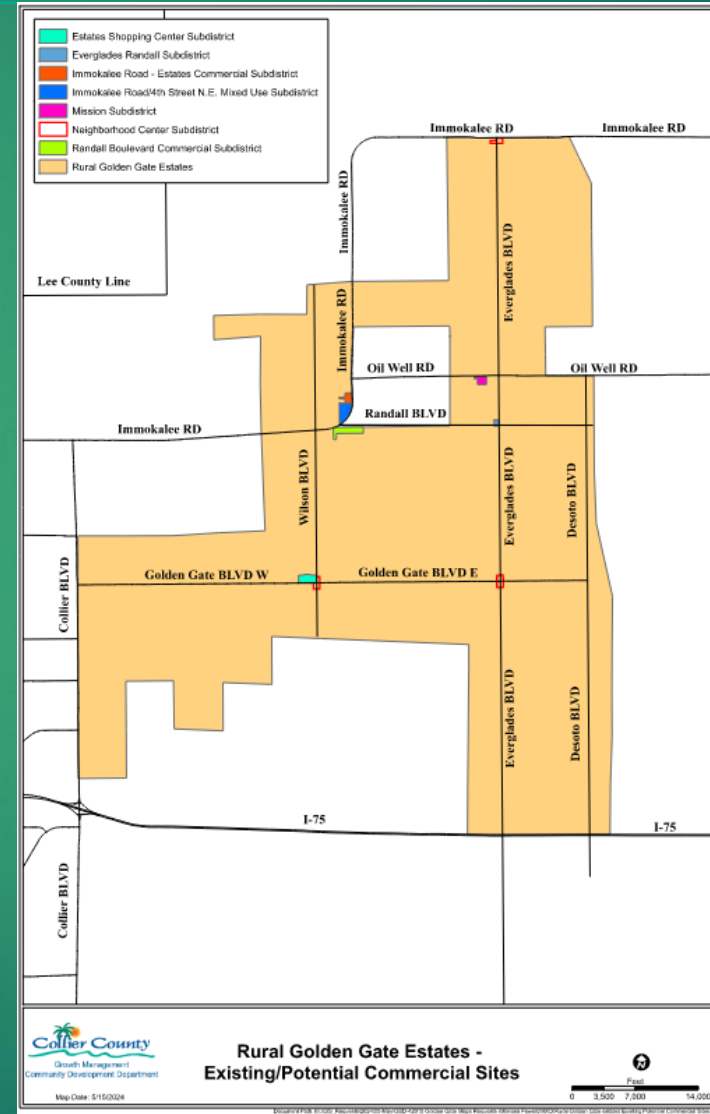
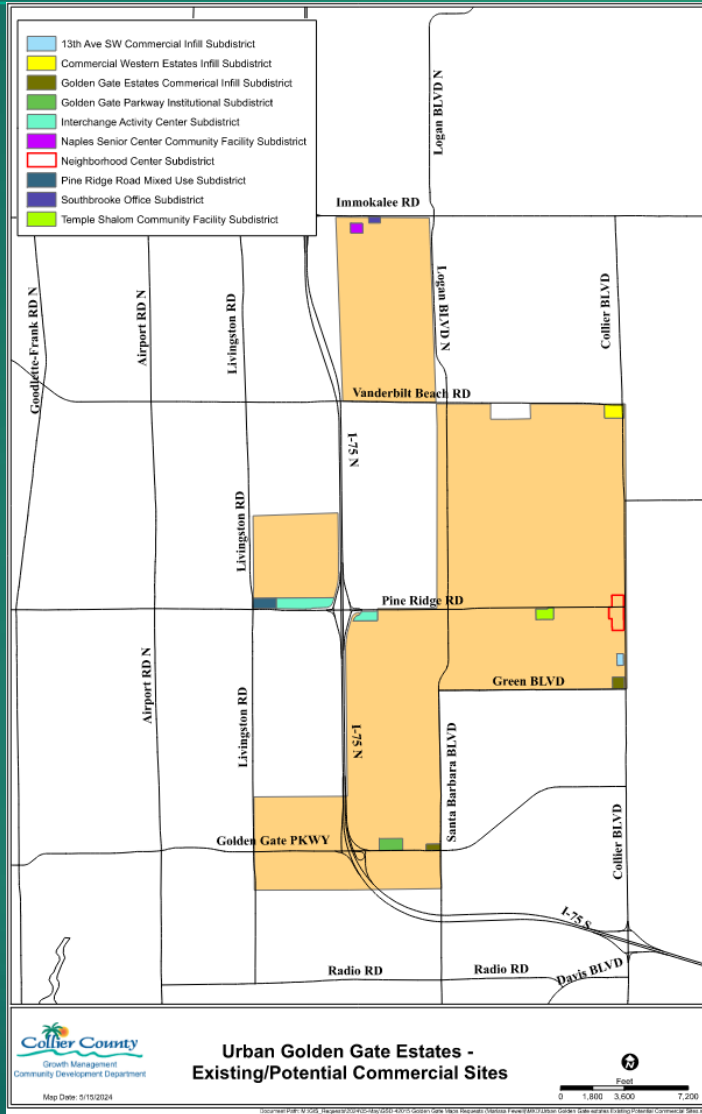
Overview - History

- ▶ On September 24, 2019, the BCC approved an amended version of the Golden Gate Area Master Plan (GGAMP), resulting in the adoption of three Sub-Elements:
 1. Golden Gate City
 2. Urban Golden Gate Estates
 3. Rural Golden Gate Estates

- ▶ The Urban & Rural Golden Gate Estates Sub-Elements contain a policy related to initiating rural architectural standard requirements in the Land Development Code (LDC), which states as follows:

“The County shall initiate architectural standard requirements in the Land Development Code within two years of adoption that apply to **commercial, conditional use and essential services facilities**, reflecting the rural character of the Estates area and providing coherence and area identity.”

Existing/Potential Commercial Sites



Staff Pictures – Sites within Affected Area



Staff Pictures – Sites outside Affected Area



LDC Amendment

- ▶ This LDC amendment introduces design standards for new commercial, conditional use, & essential service facilities located within the Urban & Rural Golden Gate Estates.
- ▶ Includes design standards related to:
 - Roof type, material, & decorative elements (dormers/cupolas/cornices/etc.)
 - Entry features (porches/verandas/colonnades/etc.)
 - Exterior wall materials
 - Window designs
 - Freestanding lighting fixture height
 - Fences & walls

Examples of Architectural Elements

▶ Roof type, materials, & elements



Standard seam



V crimp



Examples of Architectural Elements

- ▶ Entry features



Columns/posts

Decorative brackets

Deck skirting

Balustrades

Examples of Architectural Elements

▶ Exterior wall materials



Board/batten siding



Clapboard siding



Bargeboard

Vergeboard

Examples of Architectural Elements

▶ Windows



Mullion



Bahama shutters



Side shutters



Examples of Architectural Elements

► Fences



Split rail, 3 board, 4 board



Picket



Recommendation

- Staff is seeking a recommendation of approval or approval with conditions for PL20210002602.

Questions or Comments?

SB 328

- ▶ SB 328, which amends Live Local, was approved by the Governor on May 16
- ▶ Removes the need to create a definition for “major transit stop”
- ▶ Staff proposed definition for “Transit Stop”
 - A designated area along a fixed, local public transit route where Collier Area Transit (CAT) buses stop to load and unload passengers.
- ▶ Interpretation of SB 328 definition for “Major Transportation Hub”
 - For purposes of this paragraph, the term “major transportation hub” means any transit station, whether bus, train, or light rail, which is served by public transit with a mix of other transportation options.

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LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20210002602

ORIGIN

Board of County
Commissioners (Board)

SUMMARY OF AMENDMENT

This Land Development Code (LDC) amendment adds a new subsection to establish rural architectural standard requirements, applicable to commercial, conditional use, and essential services facilities, with the goal of reflecting the rural character of the Estates area. This LDC amendment will serve to implement policies of the Golden Gate Area Master Plan (GGAMP), adopted by the Board on September 24, 2019.

HEARING DATES

Board TBD
 CCPC TBD
 DSAC TBD
 DSAC-LDR 05/21/2024

LDC SECTION TO BE AMENDED

5.05.08 Architectural and Site Design Standards

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR
TBD

DSAC
TBD

CCPC
TBD

BACKGROUND

On September 24, 2019, the Board approved a trifurcated version of the GGAMP, resulting in the adoption of three Sub-Elements and nine separate ordinances (Ord. 2019-24 through Ord. 2019-31). Two of the three Sub-Elements in the GGAMP contain policies relating to rural architectural standards. This LDC amendment will serve to implement Policy 3.1.2 in Ordinance 2019-25 (Urban Golden Gate Estates Sub-Element) and Policy 4.1.2 in Ordinance 2019-26 (Rural Golden Gate Estates Sub-Element), which states as follows:

The County shall initiate architectural standard requirements in the Land Development Code within two years of adoption that apply to commercial, conditional use and essential services facilities, reflecting the rural character of the Estates area and providing coherence and area identity.

Unlike other well-known architectural styles in North America, such as Art Deco, Beaux-Arts, Gothic, Neoclassical, or Spanish Mediterranean, there is no distinct definition, set of principles, or architectural designs associated with the term “rural character.” The term is subjective and varies from community to community. The proposed standards in this LDC amendment are based on Staff’s visits to numerous sites throughout the County, both inside and outside the affected area, observing buildings with Florida Vernacular, Old Florida, and/or Key West design features (see Exhibits “C” and “D”). The proposed standards would be applicable to following building and site components: Gutters/downspouts, roofs, porches, materials used on the exterior walls, windows, freestanding outdoor lighting fixtures, and fences/walls.

FISCAL & OPERATIONAL IMPACTS

There are no anticipated fiscal or operational impacts associated with this amendment.

GMP CONSISTENCY

The proposed LDC amendment has been reviewed by Comprehensive Planning staff and may be deemed consistent with the GMP.

EXHIBITS: A) Excerpt of Ord. 2019-25; B) Excerpt of Ord. 2019-26; C) Sites Located within Affected Area; and D) Sites Located Outside Affected Area

Amend the LDC as follows:

5.05.08 – Architectural and Site Design Standards

* * * * *

D. Building design standards.

* * * * *

16. Commercial, conditional use, and essential services facilities in the Urban and Rural Golden Gate Estates.

a. Purpose and intent. The purpose and intent of these building and site standards is to implement policies in the Urban Golden Gate Estates Sub-Element and the Rural Golden Gate Estates Sub-Element of the GGAMP, in order to ensure that commercial, conditional use, and essential services facilities reflect the rural character of the Estates. Rural character in this context may be expressed as Low-Country, Old Florida, Key West, and/or Florida Vernacular architectural styles. In general, design components of these architectural styles feature: hip, gable, or mansard roof with metal or shingle roof material, dormers and cupolas, timber accents, exposed and expressed connectors/bracing, porches, balustrades, large rectangular or square transom and sash windows, Bahama or side-hung shutters, wall siding, and natural color palettes.

b. Applicability. The standards contained herein shall be applicable to all new commercial, conditional use, and essential services facilities located in the applicable subdistricts of the GGAMP.

c. Standards.

i. Gutters and downspouts shall be painted to match the color of the building and/or the columns/posts to which they are attached.

ii. Roofs.

a) Hip, gable, and mansard roofs are encouraged and shall require the following:

i) Standing-seam or V-crimp metal material, or shake-style or asphalt shingle roof material.

ii) At least one dormer or cupola containing the same roof material that is used for the rest of the roof. Dormers and cupolas shall be adorned with windows or louvered shutters.

b) Flat roofs shall be adorned with decorative cornices.

iii. Porches, verandas, colonnades, and entry features.

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a) The terms “porch,” “veranda,” “colonnade,” and “entry feature” shall be used interchangeably in this subsection.

b) A front porch must encompass an area no less than 50 percent of the primary façade(s).

c) Porches shall be comprised of at least two of the following:

i) Columns and/or posts;

ii) Balustrades;

iii) Deck skirting; or

iv) Decorative brackets/bracing.

iv. Exterior walls of primary facades shall be adorned with either vergeboards, bargeboards, clapboard, board/batten siding, or stucco.

v. Windows on primary facades shall be designed with at least one of the following:

a) Mullions;

b) Bahama shutters; or

c) Side-hung shutters.

vii. Freestanding outdoor lighting fixtures shall not exceed 20 feet in height.

viii. Fences and walls, when used for decoration and no functional purpose (e.g., buffering, security, etc.), shall be either split rail, three-board, four-board, picket, or a similar design.

#

Exhibit A – Excerpt from Ord. 2019-25

GOAL 3:

TO PRESERVE THE AREA'S RURAL CHARACTER, AS DEFINED BY LARGE WOODED LOTS, THE KEEPING OF LIVESTOCK, THE ABILITY TO GROW CROPS, WILDLIFE ACTIVITY, ENVIRONMENTAL STEWARDSHIP, LOW-DENSITY RESIDENTIAL DEVELOPMENT, AND LIMITATIONS ON COMMERCIAL AND CONDITIONAL USES.

OBJECTIVE 3.1:

Balance the provision of public infrastructure with the need to preserve the rural character of Urban Golden Gate Estates.

Policy 3.1.1:

Future road and bridge improvements in Urban Golden Gate Estates shall not only provide for safety and reasonable mobility, but shall also contribute to the rural character of the area. Transportation improvements shall be designed in context with their setting.

Policy 3.1.2

The County shall initiate architectural standard requirements in the Land Development Code within two years of adoption that apply to commercial, conditional use and essential services

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8/12/19

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Staff Proposed Draft Amendments

Golden Gate Area Master Plan – BCC Adoption Draft

20180000261/CPSP-2018-2

facilities, reflecting the rural character of the Estates area and providing coherence and area identity.

Policy 3.1.3:

The County Manager or designee shall create a public network of greenway corridors within Urban Golden Gate Estates that interconnects public lands and permanently protected green space. The greenway network shall consist of interconnected trails and paths that allow people to move about the Estates area by means other than motorized vehicles. All greenways shall be constructed within or abutting existing or future public easements or rights-of-way. In creating the greenway network, the County shall not employ eminent domain proceedings.

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Exhibit B – Excerpt from Ord. 2019-26

Policy 3.1.2:

Conditional Uses within Rural Golden Gate Estates shall be subject to locational and dimensional criteria established within the Conditional Use Subdistrict in the Land Use Designation Description section of this Rural Golden Gate Sub-Element.

OBJECTIVE 3.2:

Provide for new commercial development within Neighborhood Centers and other future Commercial Land Use Designations.

Policy 3.2.1:

Within one year of the completion of the Randall Blvd. and Oil Well Rd. Corridor study, the County Manager or designee shall initiate an evaluation of the future land uses along Immokalee Rd. in the vicinity of Randall Blvd., Oil Well Rd. and Wilson Blvd. (as generally shown on the Immokalee Rd./Randall Blvd. Planning Study Area Map) and make recommendations to the Board of County Commissioners for any proposed changes to the future land uses.

GOAL 4:

TO PRESERVE THE AREA'S RURAL CHARACTER, AS DEFINED BY LARGE WOODED LOTS, THE KEEPING OF LIVESTOCK, THE ABILITY TO GROW CROPS, WILDLIFE ACTIVITY, ENVIRONMENTAL STEWARDSHIP, LOW-DENSITY RESIDENTIAL DEVELOPMENT, AND LIMITATIONS ON COMMERCIAL AND CONDITIONAL USES.

OBJECTIVE 4.1:

Balance the provision of public infrastructure with the need to preserve the rural character of Rural Golden Gate Estates.

Policy 4.1.1:

Future road and bridge improvements in Rural Golden Gate Estates shall not only provide for safety and reasonable mobility, but shall also contribute to the rural character of the area. Transportation improvements shall be designed in context with their setting.

Policy 4.1.2:

The County shall initiate architectural standard requirements in the Land Development Code within two years of adoption that apply to commercial, conditional use and essential services facilities, reflecting the rural character of the Estates area and providing coherence and area identity.

Policy 4.1.3:

The County Manager or designee shall create a public network of greenway corridors within Rural Golden Gate Estates that interconnects public lands and permanently protected green space. The greenway network shall consist of interconnected trails and paths that allow people to move about the Estates area by means other than motorized vehicles. All greenways shall be constructed within or abutting existing or future public easements or rights-of-way. In creating the greenway network, the County shall not employ eminent domain proceedings.

OBJECTIVE 4.2:

Provide for the protection of the rural character of Rural Golden Gate Estates.

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Exhibit C – Sites Located within Affected Area



Staff Photograph

Exhibit C – Sites Located within Affected Area



Staff Photograph

Exhibit C – Sites Located within Affected Area



Staff Photograph

Exhibit C – Sites Located within Affected Area



Staff Photograph

Exhibit C – Sites Located within Affected Area



Staff Photograph

Exhibit C – Sites Located within Affected Area



Staff Photograph

Exhibit D – Sites Located Outside Affected Area



Staff Photograph

Exhibit D – Sites Located Outside Affected Area



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Exhibit D – Sites Located Outside Affected Area



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Exhibit D – Sites Located Outside Affected Area



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Exhibit D – Sites Located Outside Affected Area



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Exhibit D – Sites Located Outside Affected Area



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Exhibit D – Sites Located Outside Affected Area



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Exhibit D – Sites Located Outside Affected Area



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Exhibit D – Sites Located Outside Affected Area



Staff Photograph

Exhibit D – Sites Located Outside Affected Area



Staff Photograph

Exhibit D – Sites Located Outside Affected Area



Google Maps

Exhibit D – Sites Located Outside Affected Area



Google Maps – Loxahatchee Grove, FL

LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20240005299

ORIGIN

Growth Management
 Community Development
 Department (GMCDD)

SUMMARY OF AMENDMENT

This Land Development Code (LDC) amendment proposes to define major transit stop. LDC amendments are reviewed by the Board of County Commissioners (Board), Collier County Planning Commission (CCPC), Development Services Advisory Committee (DSAC), and the Land Development Review Subcommittee of the DSAC (DSAC-LDR Subcommittee).

HEARING DATES

Board TBD
 CCPC TBD
 DSAC TBD
 DSAC-LDR 05/21/2024

LDC SECTION TO BE AMENDED

1.08.02 Definitions

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR

TBD

DSAC

TBD

CCPC

TBD

BACKGROUND

On April 9, 2024, the Board was asked to review and approve staff’s administrative application process for projects intending to utilize the provisions of Florida Statutes section 125.01055(7)(a) through (e), which is a State law adopted in 2023, otherwise known as the Live Local Act or SB 102. According to the Florida Housing Finance Corporation, the “Live Local Act is a comprehensive, statewide workforce housing strategy, designed to increase the availability of affordable housing opportunities for Florida’s workforce...” The new law preempts local government from having the ability to regulate certain site development standards.

One topic that the Board discussed regarding the Live Local Act, is the requirement for the County to consider a reduction of parking requirements for a proposed development located within one-half mile of a *major transit stop*. The Live Local Act specifically states:

“A county must consider reducing parking requirements for a proposed development authorized under this subsection if the development is located within one-half mile of a major transit stop, as defined in the county’s land development code, and the major transit stop is accessible from the development.”

During the Board’s discussion, concern was raised with this requirement because the County’s LDC does not currently define “major transit stop” and therefore, the application of this provision has been left to staff’s interpretation. Staff’s initial interpretation of a “major transit stop” included all bus stops along Collier Area Transit (CAT) bus routes that include a covered bench structure. Staff’s previous interpretation also included bus stops located at the intersection of two or more major bus routes. However, after discussing the matter at the meeting and disagreeing with staff’s interpretation, the Board unanimously voted to define “major transit stop” as a public transit stop that would be represented by

three existing CAT transfer stations located at: 1) Government Center Transfer Station (3355 East Tamiami Trail, Naples); 2) Radio Road Transfer Station (CAT Headquarters) (8300 Radio Road, Naples); and 3) Florida Department of Health Immokalee Office (419 N 1st Street, Immokalee). These three transfer stations include public transportation services for four or more bus routes and include public parking facilities for passengers to utilize.

FISCAL & OPERATIONAL IMPACTS

There are no anticipated fiscal or operational impacts anticipated with this amendment.

GMP CONSISTENCY

To be provided by Comprehensive Planning Staff after first review.

EXHIBITS: None

Exhibit A – Exhibit Title

Amend the LDC as follows:

1
2 **1.08.02 – Definitions**

3 * * * * *
4 * * * * *
5

6 *Transfer of development rights:* The transfer of development rights from one parcel to
7 another parcel in a manner that allows an increase in the density or intensity of development on
8 the receiving property with a corresponding decrease in the remaining development rights on the
9 sending property.

10
11 *Transit stop, Major:* The property, buildings, structures, equipment, and improvements
12 associated with a Collier Area Transit (CAT) transfer station that provides public transportation
13 services along multiple public transit routes. In the context of Florida Statutes section
14 125.01055(7)(e), three major transit stops located within the County are as follows: Government
15 Center Transfer Station, Radio Road Transfer Station, and the Florida Department of Health
16 Immokalee Office.

17
18 *Vegetation, Category I Invasive Exotic:* Invasive exotic vegetation that alters native
19 vegetation communities by: displacing native plant species, changing the structure or ecological
20 functions of native plant communities, or hybridizing with native species; which includes all
21 species of vegetation listed on the 2003 Florida Exotic Pest Plant Council's List of Invasive
22 Species, under Category I.

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1
2 An act relating to affordable housing; amending ss.
3 125.01055 and 166.04151, F.S.; clarifying application;
4 prohibiting counties and municipalities, respectively,
5 from restricting the floor area ratio of certain
6 proposed developments under certain circumstances;
7 providing that the density, floor area ratio, or
8 height of certain developments, bonuses, variances, or
9 other special exceptions are not included in the
10 calculation of the currently allowed density, floor
11 area ratio, or height by counties and municipalities,
12 respectively; authorizing counties and municipalities,
13 respectively, to restrict the height of proposed
14 developments under certain circumstances; prohibiting
15 the administrative approval by counties and
16 municipalities, respectively, of a proposed
17 development within a specified proximity to a military
18 installation; requiring counties and municipalities,
19 respectively, to maintain a certain policy on their
20 websites; requiring counties and municipalities,
21 respectively, to consider reducing parking
22 requirements under certain circumstances; requiring
23 counties and municipalities, respectively, to reduce
24 or eliminate parking requirements for certain proposed
25 mixed-use developments that meet certain requirements;
26 providing certain requirements for developments
27 located within a transit-oriented development or area;
28 defining the term "major transportation hub"; making
29 technical changes; providing requirements for

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30 developments authorized located within a transit-
31 oriented development or area; clarifying that a county
32 or municipality, respectively, is not precluded from
33 granting additional exceptions; clarifying that a
34 proposed development is not precluded from receiving a
35 bonus for density, height, or floor area ratio if
36 specified conditions are satisfied; requiring that
37 such bonuses be administratively approved by counties
38 and municipalities, respectively; revising
39 applicability; authorizing that specified developments
40 be treated as a conforming use under certain
41 circumstances; authorizing that specified developments
42 be treated as a nonconforming use under certain
43 circumstances; authorizing applicants for certain
44 proposed developments to notify a county or
45 municipality, as applicable, of their intent to
46 proceed under certain provisions; requiring counties
47 and municipalities to allow certain applicants to
48 submit a revised application, written request, or
49 notice of intent; amending s. 196.1978, F.S.; revising
50 the definition of the term "newly constructed";
51 revising conditions for when multifamily projects are
52 considered property used for a charitable purpose and
53 are eligible to receive an ad valorem property tax
54 exemption; making technical changes; requiring
55 property appraisers to make certain exemptions from ad
56 valorem property taxes; providing the method for
57 determining the value of a unit for certain purposes;
58 requiring property appraisers to review certain

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59 applications and make certain determinations;
60 authorizing property appraisers to request and review
61 additional information; authorizing property
62 appraisers to grant exemptions only under certain
63 conditions; revising requirements for property owners
64 seeking a certification notice from the Florida
65 Housing Finance Corporation; providing that a certain
66 determination by the corporation does not constitute
67 an exemption; revising eligibility; conforming
68 provisions to changes made by the act; amending s.
69 196.1979, F.S.; revising the value to which a certain
70 ad valorem property tax exemption applies; revising a
71 condition of eligibility for vacant residential units
72 to qualify for a certain ad valorem property tax
73 exemption; making technical changes; revising the
74 deadline for an application for exemption; revising
75 deadlines by which boards and governing bodies must
76 deliver to or notify the Department of Revenue of the
77 adoption, repeal, or expiration of certain ordinances;
78 requiring property appraisers to review certain
79 applications and make certain determinations;
80 authorizing property appraisers to request and review
81 additional information; authorizing property
82 appraisers to grant exemptions only under certain
83 conditions; providing the method for determining the
84 value of a unit for certain purposes; providing for
85 retroactive application; amending s. 333.03, F.S.;
86 excluding certain proposed developments from specified
87 airport zoning provisions; amending s. 420.507, F.S.;

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88 revising the enumerated powers of the corporation;
89 amending s. 420.5096, F.S.; making technical changes;
90 amending s. 420.518, F.S.; specifying conditions under
91 which the corporation may preclude applicants from
92 corporation programs; providing an appropriation;
93 providing an effective date.

94

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

96

97 Section 1. Subsection (7) of section 125.01055, Florida
98 Statutes, is amended, and subsection (8) is added to that
99 section, to read:

100 125.01055 Affordable housing.—

101 (7) (a) A county must authorize multifamily and mixed-use
102 residential as allowable uses in any area zoned for commercial,
103 industrial, or mixed use if at least 40 percent of the
104 residential units in a proposed multifamily ~~rental~~ development
105 are rental units that, for a period of at least 30 years, are
106 affordable as defined in s. 420.0004. Notwithstanding any other
107 law, local ordinance, or regulation to the contrary, a county
108 may not require a proposed multifamily development to obtain a
109 zoning or land use change, special exception, conditional use
110 approval, variance, or comprehensive plan amendment for the
111 building height, zoning, and densities authorized under this
112 subsection. For mixed-use residential projects, at least 65
113 percent of the total square footage must be used for residential
114 purposes.

115 (b) A county may not restrict the density of a proposed
116 development authorized under this subsection below the highest

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117 currently allowed density on any unincorporated land in the
118 county where residential development is allowed under the
119 county's land development regulations. For purposes of this
120 paragraph, the term "highest currently allowed density" does not
121 include the density of any building that met the requirements of
122 this subsection or the density of any building that has received
123 any bonus, variance, or other special exception for density
124 provided in the county's land development regulations as an
125 incentive for development.

126 (c) A county may not restrict the floor area ratio of a
127 proposed development authorized under this subsection below 150
128 percent of the highest currently allowed floor area ratio on any
129 unincorporated land in the county where development is allowed
130 under the county's land development regulations. For purposes of
131 this paragraph, the term "highest currently allowed floor area
132 ratio" does not include the floor area ratio of any building
133 that met the requirements of this subsection or the floor area
134 ratio of any building that has received any bonus, variance, or
135 other special exception for floor area ratio provided in the
136 county's land development regulations as an incentive for
137 development. For purposes of this subsection, the term floor
138 area ratio includes floor lot ratio.

139 (d)1.~~(e)~~ A county may not restrict the height of a proposed
140 development authorized under this subsection below the highest
141 currently allowed height for a commercial or residential
142 building development located in its jurisdiction within 1 mile
143 of the proposed development or 3 stories, whichever is higher.
144 For purposes of this paragraph, the term "highest currently
145 allowed height" does not include the height of any building that

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146 met the requirements of this subsection or the height of any
147 building that has received any bonus, variance, or other special
148 exception for height provided in the county's land development
149 regulations as an incentive for development.

150 2. If the proposed development is adjacent to, on two or
151 more sides, a parcel zoned for single-family residential use
152 which is within a single-family residential development with at
153 least 25 contiguous single-family homes, the county may restrict
154 the height of the proposed development to 150 percent of the
155 tallest building on any property adjacent to the proposed
156 development, the highest currently allowed height for the
157 property provided in the county's land development regulations,
158 or 3 stories, whichever is higher. For the purposes of this
159 paragraph, the term "adjacent to" means those properties sharing
160 more than one point of a property line, but does not include
161 properties separated by a public road.

162 (e)~~(d)~~ A proposed development authorized under this
163 subsection must be administratively approved and no further
164 action by the board of county commissioners is required if the
165 development satisfies the county's land development regulations
166 for multifamily developments in areas zoned for such use and is
167 otherwise consistent with the comprehensive plan, with the
168 exception of provisions establishing allowable densities, floor
169 area ratios, height, and land use. Such land development
170 regulations include, but are not limited to, regulations
171 relating to setbacks and parking requirements. A proposed
172 development located within one-quarter mile of a military
173 installation identified in s. 163.3175(2) may not be
174 administratively approved. Each county shall maintain on its

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175 website a policy containing procedures and expectations for
176 administrative approval pursuant to this subsection.

177 (f)1.(e) A county must consider reducing parking
178 requirements for a proposed development authorized under this
179 subsection if the development is located within one-quarter ~~one-~~
180 ~~half~~ mile of a ~~major~~ transit stop, as defined in the county's
181 land development code, and the ~~major~~ transit stop is accessible
182 from the development.

183 2. A county must reduce parking requirements by at least 20
184 percent for a proposed development authorized under this
185 subsection if the development:

186 a. Is located within one-half mile of a major
187 transportation hub that is accessible from the proposed
188 development by safe, pedestrian-friendly means, such as
189 sidewalks, crosswalks, elevated pedestrian or bike paths, or
190 other multimodal design features; and

191 b. Has available parking within 600 feet of the proposed
192 development which may consist of options such as on-street
193 parking, parking lots, or parking garages available for use by
194 residents of the proposed development. However, a county may not
195 require that the available parking compensate for the reduction
196 in parking requirements.

197 3. A county must eliminate parking requirements for a
198 proposed mixed-use residential development authorized under this
199 subsection within an area recognized by the county as a transit-
200 oriented development or area, as provided in paragraph (h).

201 4. For purposes of this paragraph, the term "major
202 transportation hub" means any transit station, whether bus,
203 train, or light rail, which is served by public transit with a

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204 mix of other transportation options.

205 (g)~~(f)~~ For proposed multifamily developments in an
206 unincorporated area zoned for commercial or industrial use which
207 is within the boundaries of a multicounty independent special
208 district that was created to provide municipal services and is
209 not authorized to levy ad valorem taxes, and less than 20
210 percent of the land area within such district is designated for
211 commercial or industrial use, a county must authorize, as
212 provided in this subsection, such development only if the
213 development is mixed-use residential.

214 (h) A proposed development authorized under this subsection
215 which is located within a transit-oriented development or area,
216 as recognized by the county, must be mixed-use residential and
217 otherwise comply with requirements of the county's regulations
218 applicable to the transit-oriented development or area except
219 for use, height, density, floor area ratio, and parking as
220 provided in this subsection or as otherwise agreed to by the
221 county and the applicant for the development.

222 (i)~~(g)~~ Except as otherwise provided in this subsection, a
223 development authorized under this subsection must comply with
224 all applicable state and local laws and regulations.

225 (j)1. Nothing in this subsection precludes a county from
226 granting a bonus, variance, conditional use, or other special
227 exception for height, density, or floor area ratio in addition
228 to the height, density, and floor area ratio requirements in
229 this subsection.

230 2. Nothing in this subsection precludes a proposed
231 development authorized under this subsection from receiving a
232 bonus for density, height, or floor area ratio pursuant to an

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233 ordinance or regulation of the jurisdiction where the proposed
234 development is located if the proposed development satisfies the
235 conditions to receive the bonus except for any condition which
236 conflicts with this subsection. If a proposed development
237 qualifies for such bonus, the bonus must be administratively
238 approved by the county and no further action by the board of
239 county commissioners is required.

240 (k) ~~(h)~~ This subsection does not apply to:

241 1. Airport-impacted areas as provided in s. 333.03.

242 2. Property defined as recreational and commercial working
243 waterfront in s. 342.201(2) (b) in any area zoned as industrial.

244 (l) ~~(i)~~ This subsection expires October 1, 2033.

245 (8) Any development authorized under paragraph (7) (a) must
246 be treated as a conforming use even after the expiration of
247 subsection (7) and the development's affordability period as
248 provided in paragraph (7) (a), notwithstanding the county's
249 comprehensive plan, future land use designation, or zoning. If
250 at any point during the development's affordability period the
251 development violates the affordability period requirement
252 provided in paragraph (7) (a), the development must be allowed a
253 reasonable time to cure such violation. If the violation is not
254 cured within a reasonable time, the development must be treated
255 as a nonconforming use.

256 Section 2. Subsection (7) of section 166.04151, Florida
257 Statutes, is amended, and subsection (8) is added to that
258 section, to read:

259 166.04151 Affordable housing.—

260 (7) (a) A municipality must authorize multifamily and mixed-
261 use residential as allowable uses in any area zoned for

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262 commercial, industrial, or mixed use if at least 40 percent of
263 the residential units in a proposed multifamily ~~rental~~
264 development are rental units that, for a period of at least 30
265 years, are affordable as defined in s. 420.0004. Notwithstanding
266 any other law, local ordinance, or regulation to the contrary, a
267 municipality may not require a proposed multifamily development
268 to obtain a zoning or land use change, special exception,
269 conditional use approval, variance, or comprehensive plan
270 amendment for the building height, zoning, and densities
271 authorized under this subsection. For mixed-use residential
272 projects, at least 65 percent of the total square footage must
273 be used for residential purposes.

274 (b) A municipality may not restrict the density of a
275 proposed development authorized under this subsection below the
276 highest currently allowed density on any land in the
277 municipality where residential development is allowed under the
278 municipality's land development regulations. For purposes of
279 this paragraph, the term "highest currently allowed density"
280 does not include the density of any building that met the
281 requirements of this subsection or the density of any building
282 that has received any bonus, variance, or other special
283 exception for density provided in the municipality's land
284 development regulations as an incentive for development.

285 (c) A municipality may not restrict the floor area ratio of
286 a proposed development authorized under this subsection below
287 150 percent of the highest currently allowed floor area ratio on
288 any land in the municipality where development is allowed under
289 the municipality's land development regulations. For purposes of
290 this paragraph, the term "highest currently allowed floor area

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291 ratio" does not include the floor area ratio of any building
292 that met the requirements of this subsection or the floor area
293 ratio of any building that has received any bonus, variance, or
294 other special exception for floor area ratio provided in the
295 municipality's land development regulations as an incentive for
296 development. For purposes of this subsection, the term "floor
297 area ratio" includes floor lot ratio.

298 (d)1.~~(e)~~ A municipality may not restrict the height of a
299 proposed development authorized under this subsection below the
300 highest currently allowed height for a commercial or residential
301 building development located in its jurisdiction within 1 mile
302 of the proposed development or 3 stories, whichever is higher.
303 For purposes of this paragraph, the term "highest currently
304 allowed height" does not include the height of any building that
305 met the requirements of this subsection or the height of any
306 building that has received any bonus, variance, or other special
307 exception for height provided in the municipality's land
308 development regulations as an incentive for development.

309 2. If the proposed development is adjacent to, on two or
310 more sides, a parcel zoned for single-family residential use
311 that is within a single-family residential development with at
312 least 25 contiguous single-family homes, the municipality may
313 restrict the height of the proposed development to 150 percent
314 of the tallest building on any property adjacent to the proposed
315 development, the highest currently allowed height for the
316 property provided in the municipality's land development
317 regulations, or 3 stories, whichever is higher. For the purposes
318 of this paragraph, the term "adjacent to" means those properties
319 sharing more than one point of a property line, but does not

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320 include properties separated by a public road.

321 (e) ~~(d)~~ A proposed development authorized under this
322 subsection must be administratively approved and no further
323 action by the governing body of the municipality is required if
324 the development satisfies the municipality's land development
325 regulations for multifamily developments in areas zoned for such
326 use and is otherwise consistent with the comprehensive plan,
327 with the exception of provisions establishing allowable
328 densities, floor area ratios, height, and land use. Such land
329 development regulations include, but are not limited to,
330 regulations relating to setbacks and parking requirements. A
331 proposed development located within one-quarter mile of a
332 military installation identified in s. 163.3175(2) may not be
333 administratively approved. Each municipality shall maintain on
334 its website a policy containing procedures and expectations for
335 administrative approval pursuant to this subsection.

336 (f) 1. ~~(e)~~ A municipality must consider reducing parking
337 requirements for a proposed development authorized under this
338 subsection if the development is located within one-quarter ~~one-~~
339 ~~half~~ mile of a ~~major~~ transit stop, as defined in the
340 municipality's land development code, and the ~~major~~ transit stop
341 is accessible from the development.

342 2. A municipality must reduce parking requirements by at
343 least 20 percent for a proposed development authorized under
344 this subsection if the development:

345 a. Is located within one-half mile of a major
346 transportation hub that is accessible from the proposed
347 development by safe, pedestrian-friendly means, such as
348 sidewalks, crosswalks, elevated pedestrian or bike paths, or

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349 other multimodal design features.

350 b. Has available parking within 600 feet of the proposed
351 development which may consist of options such as on-street
352 parking, parking lots, or parking garages available for use by
353 residents of the proposed development. However, a municipality
354 may not require that the available parking compensate for the
355 reduction in parking requirements.

356 3. A municipality must eliminate parking requirements for a
357 proposed mixed-use residential development authorized under this
358 subsection within an area recognized by the municipality as a
359 transit-oriented development or area, as provided in paragraph
360 (h).

361 4. For purposes of this paragraph, the term "major
362 transportation hub" means any transit station, whether bus,
363 train, or light rail, which is served by public transit with a
364 mix of other transportation options.

365 (g)~~(f)~~ A municipality that designates less than 20 percent
366 of the land area within its jurisdiction for commercial or
367 industrial use must authorize a proposed multifamily development
368 as provided in this subsection in areas zoned for commercial or
369 industrial use only if the proposed multifamily development is
370 mixed-use residential.

371 (h) A proposed development authorized under this subsection
372 which is located within a transit-oriented development or area,
373 as recognized by the municipality, must be mixed-use residential
374 and otherwise comply with requirements of the municipality's
375 regulations applicable to the transit-oriented development or
376 area except for use, height, density, floor area ratio, and
377 parking as provided in this subsection or as otherwise agreed to

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378 by the municipality and the applicant for the development.

379 (i)~~(g)~~ Except as otherwise provided in this subsection, a
380 development authorized under this subsection must comply with
381 all applicable state and local laws and regulations.

382 (j)1. Nothing in this subsection precludes a municipality
383 from granting a bonus, variance, conditional use, or other
384 special exception to height, density, or floor area ratio in
385 addition to the height, density, and floor area ratio
386 requirements in this subsection.

387 2. Nothing in this subsection precludes a proposed
388 development authorized under this subsection from receiving a
389 bonus for density, height, or floor area ratio pursuant to an
390 ordinance or regulation of the jurisdiction where the proposed
391 development is located if the proposed development satisfies the
392 conditions to receive the bonus except for any condition which
393 conflicts with this subsection. If a proposed development
394 qualifies for such bonus, the bonus must be administratively
395 approved by the municipality and no further action by the
396 governing body of the municipality is required.

397 (k)~~(h)~~ This subsection does not apply to:

398 1. Airport-impacted areas as provided in s. 333.03.

399 2. Property defined as recreational and commercial working
400 waterfront in s. 342.201(2) (b) in any area zoned as industrial.

401 (l)~~(i)~~ This subsection expires October 1, 2033.

402 (8) Any development authorized under paragraph (7) (a) must
403 be treated as a conforming use even after the expiration of
404 subsection (7) and the development's affordability period as
405 provided in paragraph (7) (a), notwithstanding the municipality's
406 comprehensive plan, future land use designation, or zoning. If

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407 at any point during the development's affordability period the
408 development violates the affordability period requirement
409 provided in paragraph (7) (a), the development must be allowed a
410 reasonable time to cure such violation. If the violation is not
411 cured within a reasonable time, the development must be treated
412 as a nonconforming use.

413 Section 3. An applicant for a proposed development
414 authorized under s. 125.01055(7) or s. 166.04151(7), Florida
415 Statutes, who submitted an application, written request, or
416 notice of intent to utilize such provisions to the county or
417 municipality and which has been received by the county or
418 municipality, as applicable, before the effective date of this
419 act may notify the county or municipality by July 1, 2024, of
420 its intent to proceed under the provisions of s. 125.01055(7) or
421 s. 166.04151(7), Florida Statutes, as they existed at the time
422 of submittal. A county or municipality shall allow an applicant
423 who submitted such application, written request, or notice of
424 intent before the effective date of this act the opportunity to
425 submit a revised application, written request, or notice of
426 intent to account for the changes made by this act.

427 Section 4. Subsection (3) of section 196.1978, Florida
428 Statutes, is amended to read:

429 196.1978 Affordable housing property exemption.-

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

431 1. "Corporation" means the Florida Housing Finance
432 Corporation.

433 2. "Newly constructed" means an improvement to real
434 property which was substantially completed within 5 years before
435 the date of an applicant's first submission of a request for a

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436 certification notice ~~or an application for an exemption~~ pursuant
437 to this subsection ~~section, whichever is earlier.~~

438 3. "Substantially completed" has the same meaning as in s.
439 192.042(1).

440 (b) Notwithstanding ss. 196.195 and 196.196, portions of
441 property in a multifamily project are considered property used
442 for a charitable purpose and are eligible to receive an ad
443 valorem property tax exemption if such portions meet all of the
444 following conditions:

445 1. Provide affordable housing to natural persons or
446 families meeting the income limitations provided in paragraph
447 (d).~~†~~

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

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

457 3. Are rented for an amount that does not exceed the amount
458 as specified by the most recent multifamily rental programs
459 income and rent limit chart posted by the corporation and
460 derived from the Multifamily Tax Subsidy Projects Income Limits
461 published by the United States Department of Housing and Urban
462 Development or 90 percent of the fair market value rent as
463 determined by a rental market study meeting the requirements of
464 paragraph (1) ~~(m)~~, whichever is less.

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465 (c) If a unit that in the previous year received ~~qualified~~
466 ~~for~~ the exemption under this subsection and was occupied by a
467 tenant is vacant on January 1, the vacant unit is eligible for
468 the exemption if the use of the unit is restricted to providing
469 affordable housing that would otherwise meet the requirements of
470 this subsection and a reasonable effort is made to lease the
471 unit to eligible persons or families.

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

473 a. Seventy-five percent of the assessed value of the units
474 in multifamily projects that meet the requirements of this
475 subsection and are ~~Qualified property~~ used to house natural
476 persons or families whose annual household income is greater
477 than 80 percent but not more than 120 percent of the median
478 annual adjusted gross income for households within the
479 metropolitan statistical area or, if not within a metropolitan
480 statistical area, within the county in which the person or
481 family resides; ~~and, must receive an ad valorem property tax~~
482 ~~exemption of 75 percent of the assessed value.~~

483 b.2. From ad valorem property taxes the units in
484 multifamily projects that meet the requirements of this
485 subsection and are ~~Qualified property~~ used to house natural
486 persons or families whose annual household income does not
487 exceed 80 percent of the median annual adjusted gross income for
488 households within the metropolitan statistical area or, if not
489 within a metropolitan statistical area, within the county in
490 which the person or family resides, ~~is exempt from ad valorem~~
491 ~~property taxes.~~

492 2. When determining the value of a unit for purposes of
493 applying an exemption pursuant to this paragraph, the property

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494 appraiser must include in such valuation the proportionate share
495 of the residential common areas, including the land, fairly
496 attributable to such unit.

497 (e) To be eligible to receive an exemption under this
498 subsection, a property owner must submit an application on a
499 form prescribed by the department by March 1 for the exemption,
500 accompanied by a certification notice from the corporation to
501 the property appraiser. The property appraiser shall review the
502 application and determine whether the applicant meets all of the
503 requirements of this subsection and is entitled to an exemption.

504 A property appraiser may request and review additional
505 information necessary to make such determination. A property
506 appraiser may grant an exemption only for a property for which
507 the corporation has issued a certification notice and which the
508 property appraiser determines is entitled to an exemption.

509 (f) To receive a certification notice, a property owner
510 must submit a request to the corporation ~~for certification~~ on a
511 form provided by the corporation which includes all of the
512 following:

513 1. The most recently completed rental market study meeting
514 the requirements of paragraph (1) ~~(m)~~.

515 2. A list of the units for which the property owner seeks
516 an exemption.

517 3. The rent amount received by the property owner for each
518 unit for which the property owner seeks an exemption. If a unit
519 is vacant and qualifies for an exemption under paragraph (c),
520 the property owner must provide evidence of the published rent
521 amount for each vacant unit.

522 4. A sworn statement, under penalty of perjury, from the

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523 applicant restricting the property for a period of not less than
524 3 years to housing persons or families who meet the income
525 limitations under this subsection.

526 (g) The corporation shall review the request for a
527 certification notice and certify whether a property ~~that~~ meets
528 the ~~eligibility~~ criteria of paragraphs (b) and (c) ~~this~~
529 ~~subsection~~. A determination by the corporation regarding a
530 request for a certification notice does not constitute a grant
531 of an exemption pursuant to this subsection or final agency
532 action pursuant to chapter 120.

533 1. If the corporation determines that the property meets
534 the ~~eligibility~~ criteria ~~for an exemption under this subsection~~,
535 the corporation must send a certification notice to the property
536 owner and the property appraiser.

537 2. If the corporation determines that the property does not
538 meet the ~~eligibility~~ criteria, the corporation must notify the
539 property owner and include the reasons for such determination.

540 (h) The corporation shall post on its website the deadline
541 to submit a request for a certification notice. The deadline
542 must allow adequate time for a property owner to submit a timely
543 application for exemption to the property appraiser.

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

548 ~~(j)~~ If the property appraiser determines that for any year
549 during the immediately previous 10 years a person who was not
550 entitled to an exemption under this subsection was granted such
551 an exemption, the property appraiser must serve upon the owner a

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552 notice of intent to record in the public records of the county a
553 notice of tax lien against any property owned by that person in
554 the county, and that property must be identified in the notice
555 of tax lien. Any property owned by the taxpayer and situated in
556 this state is subject to the taxes exempted by the improper
557 exemption, plus a penalty of 50 percent of the unpaid taxes for
558 each year and interest at a rate of 15 percent per annum. If an
559 exemption is improperly granted as a result of a clerical
560 mistake or an omission by the property appraiser, the property
561 owner improperly receiving the exemption may not be assessed a
562 penalty or interest.

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

569 (k)~~(l)~~ Property receiving an exemption pursuant to s.
570 196.1979 or units used as a transient public lodging
571 establishment as defined in s. 509.013 ~~is~~ not eligible for
572 this exemption.

573 (l)~~(m)~~ A rental market study submitted as required by
574 subparagraph (f)1. ~~paragraph (f)~~ must identify the fair market
575 value rent of each unit for which a property owner seeks an
576 exemption. Only a certified general appraiser as defined in s.
577 475.611 may issue a rental market study. The certified general
578 appraiser must be independent of the property owner who requests
579 the rental market study. In preparing the rental market study, a
580 certified general appraiser shall comply with the standards of

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581 professional practice pursuant to part II of chapter 475 and use
582 comparable property within the same geographic area and of the
583 same type as the property for which the exemption is sought. A
584 rental market study must have been completed within 3 years
585 before submission of the application.

586 (m)~~(n)~~ The corporation may adopt rules to implement this
587 section.

588 (n)~~(o)~~ This subsection first applies to the 2024 tax roll
589 and is repealed December 31, 2059.

590 Section 5. Present subsections (6) and (7) of section
591 196.1979, Florida Statutes, are redesignated as subsections (8)
592 and (9), respectively, new subsections (6) and (7) are added to
593 that section, and paragraph (b) of subsection (1), subsection
594 (2), paragraphs (d), (f), and (1) of subsection (3), and
595 subsection (5) of that section are amended, to read:

596 196.1979 County and municipal affordable housing property
597 exemption.—

598 (1)

599 (b) Qualified property may receive an ad valorem property
600 tax exemption of:

601 1. Up to 75 percent of the assessed value of each
602 residential unit used to provide affordable housing if fewer
603 than 100 percent of the multifamily project's residential units
604 are used to provide affordable housing meeting the requirements
605 of this section.

606 2. Up to 100 percent of the assessed value of each
607 residential unit used to provide affordable housing if 100
608 percent of the multifamily project's residential units are used
609 to provide affordable housing meeting the requirements of this

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610 section.

611 (2) If a residential unit that in the previous year
612 received ~~qualified for~~ the exemption under this section and was
613 occupied by a tenant is vacant on January 1, the vacant unit may
614 qualify for the exemption under this section if the use of the
615 unit is restricted to providing affordable housing that would
616 otherwise meet the requirements of this section and a reasonable
617 effort is made to lease the unit to eligible persons or
618 families.

619 (3) An ordinance granting the exemption authorized by this
620 section must:

621 (d) Require the local entity to verify and certify property
622 that meets the requirements of the ordinance as qualified
623 property and forward the certification to the property owner and
624 the property appraiser. If the local entity denies the
625 application for certification ~~exemption~~, it must notify the
626 applicant and include reasons for the denial.

627 (f) Require the property owner to submit an application for
628 exemption, on a form prescribed by the department, accompanied
629 by the certification of qualified property, to the property
630 appraiser no later than the deadline specified in s. 196.011
631 ~~March 1~~.

632 (1) Require the county or municipality to post on its
633 website a list of ~~certified~~ properties receiving the exemption
634 for the purpose of facilitating access to affordable housing.

635 (5) An ordinance adopted under this section must expire
636 before the fourth January 1 after adoption; however, the board
637 of county commissioners or the governing body of the
638 municipality may adopt a new ordinance to renew the exemption.

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639 The board of county commissioners or the governing body of the
640 municipality shall deliver a copy of an ordinance adopted under
641 this section to the department and the property appraiser within
642 10 days after its adoption, but no later than January 1 of the
643 year such exemption will take effect. If the ordinance expires
644 or is repealed, the board of county commissioners or the
645 governing body of the municipality must notify the department
646 and the property appraiser within 10 days after its expiration
647 or repeal, but no later than January 1 of the year the repeal or
648 expiration of such exemption will take effect.

649 (6) The property appraiser shall review each application
650 for exemption and determine whether the applicant meets all of
651 the requirements of this section and is entitled to an
652 exemption. A property appraiser may request and review
653 additional information necessary to make such determination. A
654 property appraiser may grant an exemption only for a property
655 for which the local entity has certified as qualified property
656 and which the property appraiser determines is entitled to an
657 exemption.

658 (7) When determining the value of a unit for purposes of
659 applying an exemption pursuant to this section, the property
660 appraiser must include in such valuation the proportionate share
661 of the residential common areas, including the land, fairly
662 attributable to such unit.

663 Section 6. The amendments made by this act to ss. 196.1978
664 and 196.1979, Florida Statutes, are intended to be remedial and
665 clarifying in nature and apply retroactively to January 1, 2024.

666 Section 7. Present subsection (5) of section 333.03,
667 Florida Statutes, is redesignated as subsection (6), and a new

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668 subsection (5) is added to that section, to read:

669 333.03 Requirement to adopt airport zoning regulations.—

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

672 (a) A proposed development near a runway within one-quarter
673 of a mile laterally from the runway edge and within an area that
674 is the width of one-quarter of a mile extending at right angles
675 from the end of the runway for a distance of 10,000 feet of any
676 existing airport runway or planned airport runway identified in
677 the local government's airport master plan.

678 (b) A proposed development within any airport noise zone
679 identified in the federal land use compatibility table or in a
680 land-use zoning or airport noise regulation adopted by the local
681 government.

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

685 Section 8. Subsection (35) of section 420.507, Florida
686 Statutes, is amended to read:

687 420.507 Powers of the corporation.—The corporation shall
688 have all the powers necessary or convenient to carry out and
689 effectuate the purposes and provisions of this part, including
690 the following powers which are in addition to all other powers
691 granted by other provisions of this part:

692 (35) To preclude any applicant, sponsor, or affiliate of an
693 applicant or sponsor from further participation in any of the
694 corporation's programs as provided in s. 420.518, any applicant
695 or affiliate of an applicant which has made a material
696 misrepresentation or engaged in fraudulent actions in connection

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697 ~~with any application for a corporation program.~~

698 Section 9. Subsection (3) of section 420.5096, Florida
699 Statutes, is amended to read:

700 420.5096 Florida Hometown Hero Program.—

701 (3) For loans made available pursuant to s.
702 420.507(23)(a)1. or 2., the corporation may underwrite and make
703 those mortgage loans through the program to persons or families
704 who have household incomes that do not exceed 150 percent of the
705 state median income or local median income, whichever is
706 greater. A borrower must be seeking to purchase a home as a
707 primary residence; must be a first-time homebuyer and a Florida
708 resident; and must be employed full-time by a Florida-based
709 employer. The borrower must provide documentation of full-time
710 employment, or full-time status for self-employed individuals,
711 ~~of 35 hours or more per week.~~ The requirement to be a first-time
712 homebuyer does not apply to a borrower who is an active duty
713 servicemember of a branch of the armed forces or the Florida
714 National Guard, as defined in s. 250.01, or a veteran.

715 Section 10. Section 420.518, Florida Statutes, is amended
716 to read:

717 420.518 Preclusion from participation in corporation
718 programs ~~Fraudulent or material misrepresentation.~~—

719 (1) An applicant, a sponsor, or an affiliate of an
720 applicant or a sponsor may be precluded from participation in
721 any corporation program if the applicant or affiliate of the
722 applicant has:

723 (a) Made a material misrepresentation or engaged in
724 fraudulent actions in connection with any corporation program.

725 (b) Been convicted or found guilty of, or entered a plea of

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726 guilty or nolo contendere to, regardless of adjudication, a
727 crime in any jurisdiction which directly relates to the
728 financing, construction, or management of affordable housing or
729 the fraudulent procurement of state or federal funds. The record
730 of a conviction certified or authenticated in such form as to be
731 admissible in evidence under the laws of the state shall be
732 admissible as prima facie evidence of such guilt.

733 (c) Been excluded from any federal funding program related
734 to the provision of housing, including debarment from
735 participation in federal housing programs by the United States
736 Department of Housing and Urban Development.

737 (d) Been excluded from any federal or Florida procurement
738 programs.

739 (e) Offered or given consideration, other than the
740 consideration to provide affordable housing, with respect to a
741 local contribution.

742 (f) Demonstrated a pattern of noncompliance and a failure
743 to correct any such noncompliance after notice from the
744 corporation in the construction, operation, or management of one
745 or more developments funded through a corporation program.

746 (g) Materially or repeatedly violated any condition imposed
747 by the corporation in connection with the administration of a
748 corporation program, including a land use restriction agreement,
749 an extended use agreement, or any other financing or regulatory
750 agreement with the corporation.

751 (2) Upon a determination by the board of directors of the
752 corporation that an applicant or affiliate of the applicant be
753 precluded from participation in any corporation program, the
754 board may issue an order taking any or all of the following

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755 actions:

756 (a) Preclude such applicant or affiliate from applying for
757 funding from any corporation program for a specified period. The
758 period may be a specified period of time or permanent in nature.
759 With regard to establishing the duration, the board shall
760 consider the facts and circumstances, inclusive of the
761 compliance history of the applicant or affiliate of the
762 applicant, the type of action under subsection (1), and the
763 degree of harm to the corporation's programs that has been or
764 may be done.

765 (b) Revoke any funding previously awarded by the
766 corporation for any development for which construction or
767 rehabilitation has not commenced.

768 (3) Before any order issued under this section can be
769 final, an administrative complaint must be served on the
770 applicant, affiliate of the applicant, or its registered agent
771 that provides notification of findings of the board, the
772 intended action, and the opportunity to request a proceeding
773 pursuant to ss. 120.569 and 120.57.

774 (4) Any funding, allocation of federal housing credits,
775 credit underwriting procedures, or application review for any
776 development for which construction or rehabilitation has not
777 commenced may be suspended by the corporation upon the service
778 of an administrative complaint on the applicant, affiliate of
779 the applicant, or its registered agent. The suspension shall be
780 effective from the date the administrative complaint is served
781 until an order issued by the corporation in regard to that
782 complaint becomes final.

783 Section 11. For the 2024-2025 fiscal year, from the funds

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784 received and deposited into the General Revenue Fund from the
785 state's allocation from the federal Coronavirus State Fiscal
786 Recovery Fund created under the American Rescue Plan Act of
787 2021, Pub. L. No. 117-2, the sum of \$100 million in nonrecurring
788 funds is appropriated to the State Housing Trust Fund for use by
789 the Florida Housing Finance Corporation to implement the Florida
790 Hometown Hero Program established in s. 420.5096, Florida
791 Statutes.

792 Section 12. This act shall take effect upon becoming a law.