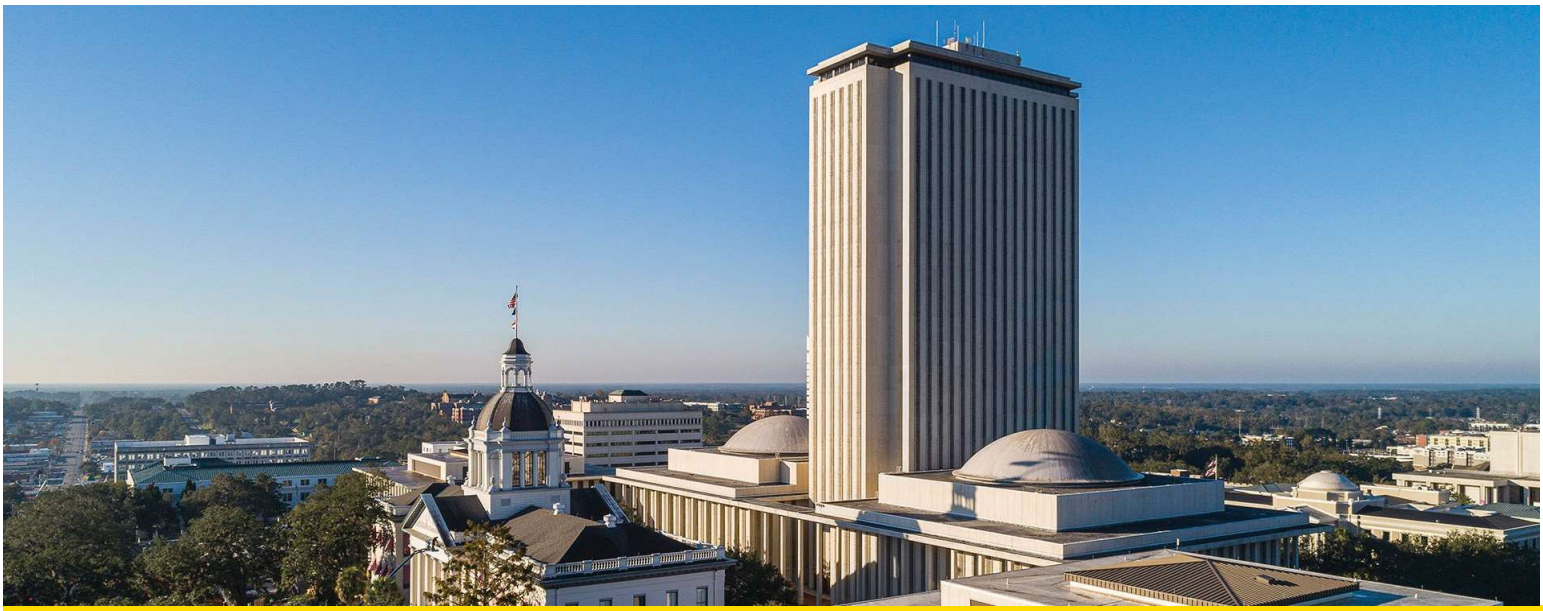

DEVELOPMENT, CODE COMPLIANCE, AND REDEVELOPMENT COMMITTEE

Friday, September 26, 2025
10:00 a.m. – 2:00 p.m. ET

Meeting Room: Orange Ballroom AB
Hilton Orlando
6001 Destination Parkway
Orlando, FL 32819

FLC Staff Contact: David Cruz

FLC
FLORIDA LEAGUE OF CITIES

Agenda

Development, Code Compliance, and Redevelopment Legislative Policy Committee
Friday, September 26, from 10:00 a.m. to 2:00 p.m.
Hilton Orlando – Meeting Room: Orange Ballroom AB
6001 Destination Parkway, Orlando, Florida

AGENDA

I. Introduction and Opening Remarks ..... **Chair Joshua D. Fuller**
Council Member, Town of Bay Harbor Islands

II. FLC Policy Committee Process for 2025-2026 ..... **David Cruz, FLC Staff**

III. Potential 2026 Priority and Policy Issues ..... **David Cruz, FLC Staff**

a. Community Redevelopment Agencies (CRAs) Update
b. Affordable Housing Update
    i. Live Local Act
    ii. Accessory Dwelling Units
    iii. Housing Advocates 2026 Legislative Proposal
    iv. Sadowski Coalition Funding
c. Short-Term Rentals Update
d. Impact Fees Update
e. Platting Update
    i. Platting Administrative Approval & Timelines (SB 784, 2025)

IV. Other Business ..... **David Cruz, FLC Staff**

V. Additional Information ..... **David Cruz, FLC Staff**

a. Key Legislative Dates
b. Key Contacts – Click HERE to sign-up
c. 2025 Legislative Session Final Report

VI. Closing Remarks ..... **Chair Joshua D. Fuller**
Councilmember, Town of Bay Harbor Islands

VII. Adjournment

Breakfast and Lunch provided by the Florida League of Cities

WiFi is Available
Network: FLCPC0925
Access Code: FLCPC0925

Committee Roster

FLORIDA LEAGUE OF CITIES

2025-2026 Legislative Policy Committee

Development, Code Compliance, and Redevelopment

Staffed by: David Cruz, Legislative Counsel

CHAIR:
The Honorable Joshua D. Fuller
Councilmember, Town of Bay Harbor Islands

VICE CHAIR:
The Honorable Melissa Castro
Commissioner, City of Coral Gables

MEMBERS:
The Honorable Antonio Arserio
Vice Mayor, City of Margate

The Honorable Sarah Baker
Commissioner, City of Winter Springs

The Honorable Vincent Barile
Vice Mayor, Town of Sewall's Point

The Honorable Rick Belhumeur
Commissioner, City of Flagler Beach

The Honorable Samuel Berrien
Mayor, City of Fort Meade

The Honorable Liston Bochette
Councilman, City of Fort Myers

The Honorable Dorothea Taylor Bogert
Mayor, City of Auburndale

Michael Bornstein
Village Manager, Village of Palm Springs

The Honorable Nancy Bowen
Vice Mayor, City of Coral Springs

The Honorable Michael Broderick
Commissioner, City of Fort Pierce

The Honorable Cynthia Burton
Commissioner, City of Crescent City

Patrick Callahan
Community Development Director/Building Official, City of Satellite Beach

Carmen Capezzuto
Director of Neighborhood Services, City of Port St. Lucie

The Honorable John Carroll
Councilmember, City of Vero Beach

The Honorable Kristin Church
Commissioner, City of Dade City

The Honorable Jeremy Clark
Vice Mayor, City of Davenport

The Honorable Gary Coffin
Commissioner, Town of Longboat Key

The Honorable Tequella Collins
Commissioner, City of Belle Glade

Nick Colonna
Community Development Administrator, City of Pinellas Park

Dana Crosby Collier
Senior Assistant Attorney, City of Tampa

The Honorable Bradley Dantzler
Commissioner, City of Winter Haven

The Honorable Dennis Dawson
Councilmember, City of Mount Dora

The Honorable Jack Dearmin
Commissioner, City of Lake Alfred

The Honorable Gloria DeBerry
Council Member, City of Fort Walton Beach

Pamela Durrance
City Manager, City of Bowling Green

The Honorable Bryan Eastman
Commissioner, City of Gainesville

Krista Ellingson
Building Department Administrator, City of Satellite Beach

Antranette Forbes
Director, Economic Development, City of Apopka

The Honorable Shawn Goepfert
Councilman, City of Port Orange

The Honorable Easton Harrison
Commissioner, City of Lauderdale Lakes

The Honorable Jhelecia Hawkins
Councilmember, City of Jasper

Alex Hernandez
Chief Building Official, City of Coral Springs

The Honorable Marge Herzog
Vice Mayor, Town of Loxahatchee Groves

The Honorable Darfeness Hinds
Council Vice President, City of Williston

The Honorable Tim Horvath
Councilor, City of Neptune Beach

Jeremy Hubsch
Community Development Director, Village of Tequesta

Heather Ireland
Director, Planning and Development Dept., City of Jacksonville Beach

The Honorable Dan Janson
Vice Mayor, City of Jacksonville Beach

The Honorable Rahman Johnson
Councilmember, City of Jacksonville

Lynsey Jones
Deputy Building Official, City of Melbourne

The Honorable Barbara Langdon
Commissioner, City of North Port

The Honorable Greg Langowski
Vice Mayor, City of Westlake

The Honorable Shirley Lanier
Councilperson, City of Riviera Beach

Sandra Leone
Planning and Sustainability Manager, City of Satellite Beach

R. Max Lohman
City Attorney, City of Palm Beach Gardens

The Honorable Karen Lythgoe
Mayor, Town of Lantana

The Honorable Lisa Martin
Vice Mayor, City of New Smyrna Beach

The Honorable Sarai "Ray" Martin
Vice Mayor, City of Lauderhill

Dan Matthys
Deputy City Manager, City of Clermont

The Honorable Matthew McMillan
Commissioner, City of Longwood

The Honorable Joseph McMullen
Commissioner, Town of Oakland

The Honorable Genece Minshew
Commissioner, City of Fernandina Beach

Juliet Misconi
Deputy City Manager, City of Palm Bay

The Honorable Fran Nachlas
Deputy Mayor, City of Boca Raton

The Honorable Karen Ostrand
Mayor, Town of Ocean Breeze

Lucia Panica
Director of Development Services Department, City of Sarasota

The Honorable Karen Rafferty
Commissioner, City of Belleair Bluffs

The Honorable Chelsea Reed
Councilmember, City of Palm Beach Gardens

The Honorable Patti Reed
Councilmember, City of Pinellas Park

The Honorable Alan Reisman
Mayor, City of Leesburg

The Honorable Betty Resch
Mayor, City of Lake Worth Beach

The Honorable Cora Roberson
Councilmember, Town of Lake Hamilton

The Honorable Marie Rosner
Commissioner, Town of Jupiter Inlet Colony

The Honorable Dylan Rumrell
Mayor, City of St. Augustine Beach

The Honorable Seth Salver
Vice Mayor, Bal Harbour Village

The Honorable Steven Sandbergen
Commissioner, City of Dunedin

The Honorable Travis Sargent
Commissioner, City of Ormond Beach

The Honorable Bill Schaetzle
Mayor Pro Tem, City of Niceville

Brian Sherman
City Attorney, Goren, Cherof, Doody, and Ezrol PA

The Honorable Alan Shields
Councilor, City of Seminole

Shari Simmans
Director, Economic Development, Communications & Government Affairs, City of DeBary

The Honorable Jordan Smith
Commissioner, City of Lake Mary

C. Howard Smith
Director, Community Redevelopment Agency, City of Bartow

The Honorable Larisa Svechin
Mayor, City of Sunny Isles Beach

The Honorable Christa Tanner
Mayor, City of Brooksville

The Honorable Judith Thomas
Commissioner, Town of Lake Park

The Honorable Johnnie Tieche
Councilmember, Village of Palm Springs

The Honorable Debbie Trice
Vice Mayor, City of Sarasota

The Honorable Kenneth Vogel
Councilman, Town of Orange Park

The Honorable Morris West
Mayor, City of Haines City

The Honorable Don Willis
Councilmember, City of Cape Canaveral

The Honorable Rosemary Wilsen
Commissioner, City of Ocoee

The Honorable Janet Wilson
Vice Mayor, City of Indian Rocks Beach

Latricia Wright
City Clerk, City of Williston

FLC Policy Committee Process for 2025-2026

2025-2026 FLC LEGISLATIVE POLICY PROCESS

The Florida League of Cities' (FLC's) Charter and Bylaws specify that the League shall engage only on legislation that pertains directly to "municipal affairs." "Municipal affairs" refers to issues that directly pertain to the governmental, corporate, and proprietary powers to conduct municipal government, perform municipal functions, render municipal services, and raise and expend revenues. Protecting Florida's cities from egregious, far-reaching attacks on Home Rule powers will always be the top priority.

Each year, municipal officials from across the state volunteer to serve on the League's legislative policy committees. Appointments are a one-year commitment and involve developing the League's Legislative Platform. The Legislative Platform addresses priority issues of statewide interest that are most likely to affect daily municipal governance and local decision-making during the upcoming legislative session.

Policy committee members also help League staff understand the real-world implications of proposed legislation, and they are asked to serve as advocates throughout the year. To get a broad spectrum of ideas and to better understand the impact of League policy proposals on rural, suburban, and urban cities of all sizes, it is ideal that each of Florida's cities be represented on one or more of the legislative policy committees.

There are currently five standing legislative policy committees:

DEVELOPMENT, CODE COMPLIANCE, AND REDEVELOPMENT COMMITTEE: This committee addresses development, redevelopment, housing, community planning, zoning, eminent domain, property rights, short-term rentals, code enforcement, building and fire code, building permitting, and concurrency management.

FINANCE AND TAXATION COMMITTEE: This committee addresses general finance and tax issues, fees, assessments, infrastructure funding, local option revenues, pension issues, revenue sharing, franchise fees, Communications Services Tax (CST), and ad valorem.

INTERGOVERNMENTAL RELATIONS, MOBILITY, AND EMERGENCY MANAGEMENT COMMITTEE: This committee addresses transportation, municipal roads, traffic safety, municipal airports, drones, vertiports, ports, telecommunications, broadband, use of public rights-of-way, parking, signage, emergency management, homelessness, charter counties, annexation, ethics for public officers and employees, elections, special districts, and general preemptions.

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MUNICIPAL OPERATIONS COMMITTEE: This committee addresses government operations, municipal service delivery, cybersecurity, technology, public safety, public meetings, public records, public property use and management, procurement, personnel, insurance, collective bargaining, workers' compensation, liability, and sovereign immunity.

UTILITIES, NATURAL RESOURCES, AND PUBLIC WORKS COMMITTEE: This committee addresses coastal management, environmental permitting, hazardous and toxic wastes, recycling, solid waste collection and disposal, stormwater, wastewater treatment and reuse, water management, water quality and quantity, resiliency, brownfields, and municipal utilities.

Due to Sunshine Law issues, only one elected official per city can be represented on a legislative policy committee, but a city could have an elected and a non-elected city official on each of the five policy committees. Appointments are made by the League president based upon a city official's support and advocacy of the Legislative Platform and participation at meetings, Legislative Action Days, and other legislative-related activities.

The Florida Legislature convenes the 2026 Legislative Session on January 13. The League's legislative policy committee meetings commence in September and meet three times. No new issues will be considered by a legislative policy committee after the second committee meeting. At the last meeting, each of the five policy committees adopts ONE legislative priority. In addition, a legislative policy committee may, but is not required to, recommend ONE policy position related to other relevant issues. The policy position must satisfy the same criteria for legislative priorities. Priority and policy position statements are capped at 75 words and must embrace a single subject by not combining multiple unrelated issues into one statement. Adhering to these principles ensures clarity, focus, and consistency in the League's advocacy efforts. Recommended legislative priorities and policy positions will be considered by the Legislative Committee. The Legislative Committee may, if necessary, edit statements to ensure compliance with these requirements. If favorably considered by the Legislative Committee, they will be considered by the general membership. If adopted by the general membership, the policy priorities and policy positions may be published as the League's Legislative Platform and communicated to legislators and others, as appropriate.

The Legislative Committee is composed of:

- Each legislative policy committee chair and the chairs of the other standing committees
- The president of each local and regional league
- The presidents of several other municipal associations
- Chairs of the municipal trust boards
- Several at-large members appointed by the League president

2025 Legislative Policy Committee Meeting Dates

- September 26, 2025, 10:00 a.m. to 2:00 p.m. at the Hilton Orlando, 6001 Destination Parkway, Orlando, FL 32819
- October 17, 2025, 10:00 a.m. to 2:00 p.m. at the Hilton Orlando, 6001 Destination Parkway, Orlando, FL 32819
- December 4, 2025, from 10:00 a.m. to 12:00 p.m. during the FLC Legislative Conference at the Renaissance Orlando at SeaWorld, 6677 Sea Harbor Drive, Orlando, FL 32821

If you are interested in serving or learning more, please contact Mary Edenfield at 850.701.3624 or *medenfield@flcities.com*.

What is an FLC legislative policy committee?

- Policy committees help set the Legislative Platform for the Florida League of Cities (FLC) and Florida's municipalities in advance of the next legislative session.
- The five policy committees include the Development, Code Compliance, and Redevelopment Committee; Finance and Taxation Committee; Municipal Operations Committee; Intergovernmental Relations, Mobility, and Emergency Management Committee; and Utilities, Natural Resources, and Public Works Committee.
- Committees are made up of municipal officials from across the state.

When and how do I sign up for a policy committee?

- Sign-up opens in June each year.
- To sign up, contact Mary Edenfield at *medenfield@flcities.com* for the sign-up link or go to *flcities.com*.
- The FLC President makes the committee appointments, and appointments are announced in August after the FLC Annual Conference.

Can I serve on more than one policy committee?

- No. All committees meet simultaneously.

When are the meetings, and is there a virtual option?

- This year, committee meetings take place in person in Orlando in September, October, and December during the FLC Legislative Conference.
- There is no virtual meeting option; meetings are in person.

How do I submit a policy issue for a committee to consider?

- If you want a committee to consider an issue as a League priority, contact the committee staff person before the September or October policy committee meeting.
    - **David Cruz**, FLC Legislative Counsel, staffs the Development, Code Compliance, and Redevelopment Committee.
    - **Charles Chapman**, Legislative Consultant, staffs the Finance and Taxation Committee.
    - **Sam Wagoner**, FLC Legislative Advocate, staffs the Municipal Operations Committee.
    - **Rebecca O'Hara**, FLC Deputy General Counsel, staffs the Intergovernmental Relations, Mobility, and Emergency Management Committee.
    - **Matt Singer**, FLC Legislative Advocate, staffs the Utilities, Natural Resources, and Public Works Committee.
- No new issues can be presented after the October meeting.

What can I expect at each meeting?

- First meeting in September: Discussions begin regarding potential priorities and policy positions.
- Second meeting in October: Discussions continue, and the committee may narrow down the list of considerations.
- Final meeting in December: The committee votes on one priority and one optional policy position, finalizing the text for the priority/policy position statements.

When will I get the meeting agenda?

- Meeting packets containing the agenda and related materials will be emailed to committee members one week before the meeting.
- You should bring a printed copy or your device to the meeting.
- Meeting packets are also available on *flcities.com* under the Advocacy tab.

Does FLC cover any meeting expenses?

- The League provides breakfast and lunch on the meeting date.

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Community Redevelopment Agencies (CRAs) Update

Professional Regulation; providing effective dates.

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

Section 1. Section 163.3755, Florida Statutes, is amended to read:

163.3755 Termination of community redevelopment agencies; prohibition on future creation and expansion.—

(1) A community redevelopment agency in existence on July 1, 2025 ~~October 1, 2019~~, shall terminate on the expiration date provided in the agency's charter on July 1, 2025 ~~October 1, 2019~~, or on September 30, 2045 ~~September 30, 2039~~, whichever is earlier~~, unless the governing body of the county or municipality that created the community redevelopment agency approves its continued existence by a majority vote of the members of the governing body~~.

(2) A community redevelopment agency may not initiate any new projects or issue any new debt on or after October 1, 2025, unless:

(a) The new project initiated is completed by the agency's termination date.

(b) Any new debt issued to finance a new project matures on or before the agency's termination date.

For purposes of this subsection, the term "new project" means

any project for which there is no appropriation in the community redevelopment agency's budget for the fiscal year ending on September 30, 2025, or for which the community redevelopment agency has not retained appropriated funds pursuant to s. 163.387(7)(d) for the fiscal year ending on September 30, 2025.

(3) ~~(2)~~ (a) Notwithstanding subsection (1) ~~If the governing body of the county or municipality that created the community redevelopment agency does not approve its continued existence by a majority vote of the governing body members~~, a community redevelopment agency with outstanding bonds as of July 1, 2025 ~~October 1, 2019~~, that do not mature until after the termination date of the agency or September 30, 2045 ~~September 30, 2039~~, whichever is earlier, remains in existence until the date the bonds mature.

(b) A community redevelopment agency operating under this subsection on or after September 30, 2045 ~~September 30, 2039~~, may not extend the maturity date of any outstanding bonds.

(c) The county or municipality that created the community redevelopment agency must issue an amended community redevelopment plan ~~a new finding of necessity~~ limited to timely meeting the remaining bond obligations of the community redevelopment agency.

(4) Subsections (1), (2), and (3) do not apply to a community redevelopment agency created by a county if the county that created such agency is the only taxing authority that

contributes to the community redevelopment agency's redevelopment trust fund pursuant to s. 163.387 and the county charter establishes a limitation on the amount of revenue the county may collect. However, such community redevelopment agency may not issue any new bond debt on or after October 1, 2025.

(5)(a) A community redevelopment agency may not be created on or after July 1, 2025.

(b) A community redevelopment agency, or the governing body of the county or municipality that created the community redevelopment agency, may not expand the boundaries of its community redevelopment area on or after July 1, 2025.

(c) A community redevelopment agency in existence before July 1, 2025, may continue to operate within its community redevelopment area as provided in this part.

Section 2. Section 20.165, Florida Statutes, is amended to read:

20.165 Department of Business and Professional Regulation.—There is created a Department of Business and Professional Regulation.

(1) The head of the Department of Business and Professional Regulation is the Secretary of Business and Professional Regulation. The secretary shall be appointed by the Governor, subject to confirmation by the Senate. The secretary shall serve at the pleasure of the Governor.

(2) The following divisions of the Department of Business

By the Committee on Rules; and Senator McClain

595-03806-25 20251242c1

A bill to be entitled

An act relating to community redevelopment agencies; amending s. 163.356, F.S.; revising the structure of community redevelopment agencies to require a governing body to declare itself to be an agency; authorizing a governing body to appoint additional members of the agency under certain circumstances; providing for terms of such additional members; providing construction; repealing s. 163.357, F.S., relating to the governing body as the community redevelopment agency; amending s. 163.361, F.S.; prohibiting a governing body from adopting any modification to a community redevelopment plan which expands the boundaries of the community redevelopment area or extends the time certain set forth in the redevelopment plan; amending s. 163.370, F.S.; revising the authorized activities of community redevelopment agencies; prohibiting community redevelopment agencies from paying for or financing by increment revenues certain projects; amending s. 163.3755, F.S.; revising the date on which community redevelopment agencies must terminate; prohibiting a community redevelopment agency from extending the maturity date of outstanding bonds beyond a time certain; amending ss. 112.3143, 163.340, 163.346, 163.360, 163.367, 163.380, and 163.512, F.S.; conforming provisions to changes made by the act; providing an effective date.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

Section 1. Subsections (2), (3), and (4) of section 163.356, Florida Statutes, are amended to read:

163.356 Creation of community redevelopment agency.—

(2)(a) When the governing body adopts a resolution declaring the need for a community redevelopment agency, that body shall, by ordinance, declare itself to be an agency. All the rights, powers, duties, privileges, and immunities vested by this part in an agency will be vested in the governing body, subject to all responsibilities and liabilities imposed or incurred. The members of the governing body shall be the members of the agency, but such members constitute the head of a legal entity, separate, distinct, and independent from the governing body of the county or municipality. Members of an agency shall receive no compensation for services, but may be entitled to the necessary expenses incurred in the discharge of duties, including travel expenses.

(b) A governing body that consists of five members may appoint two additional persons to act as members of the community redevelopment agency. The term of office of these additional members is 4 years, except that the first person appointed shall initially serve a term of 2 years ~~appoint a board of commissioners of the community redevelopment agency, which shall consist of not fewer than five or more than nine commissioners~~. ~~The terms of office of the commissioners shall be for 4 years, except that three of the members first appointed shall be designated to serve terms of 1, 2, and 3 years, respectively, from the date of their appointments, and all other~~

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~~members shall be designated to serve for terms of 4 years from the date of their appointments. A vacancy occurring during a term shall be filled for the unexpired term.~~

(c) As provided in an interlocal agreement between the governing body that created the agency and one or more taxing authorities, one or more members of the ~~board of commissioners of the~~ agency may be representatives of a taxing authority, including members of that taxing authority's governing body, whose membership on ~~the board of commissioners of~~ the agency would be considered an additional duty of office as a member of the taxing authority governing body.

(d) This subsection does not amend, or require the amendment of, the structure, membership, or bylaws of any board of commissioners of an agency in existence on October 1, 2025.

(3) ~~(a) A commissioner shall receive no compensation for services, but is entitled to the necessary expenses, including travel expenses, incurred in the discharge of duties. Each commissioner shall hold office until his or her successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk of the county or municipality, and such certificate is conclusive evidence of the due and proper appointment of such commissioner.~~

~~(b) The powers of a community redevelopment agency shall be exercised by the commissioners thereof. A majority of the commissioners constitutes a quorum for the purpose of conducting business and exercising the powers of the agency and for all other purposes. Action may be taken by the agency upon a vote of a majority of the commissioners present, unless in any case the~~

~~bylaws require a larger number. Any person may be appointed as commissioner if he or she resides or is engaged in business, which means owning a business, practicing a profession, or performing a service for compensation, or serving as an officer or director of a corporation or other business entity so engaged, within the area of operation of the agency, which shall be coterminous with the area of operation of the county or municipality, and is otherwise eligible for such appointment under this part.~~

~~(c) The governing body of the county or municipality shall designate a chair and vice chair from among the commissioners.~~ An agency may employ an executive director, technical experts, and such other agents and employees, permanent and temporary, as it requires, and determine their qualifications, duties, and compensation. For such legal service as it requires, an agency may employ or retain its own counsel and legal staff.

~~(d) An agency authorized to transact business and exercise powers under this part shall file with the governing body the report required pursuant to s. 163.371(2).~~

~~(e)~~ At any time after the creation of a community redevelopment agency, the governing body of the county or municipality may appropriate to the agency such amounts as the governing body deems necessary for the administrative expenses and overhead of the agency, including the development and implementation of community policing innovations.

~~(4) The governing body may remove a commissioner for inefficiency, neglect of duty, or misconduct in office only after a hearing and only if he or she has been given a copy of the charges at least 10 days prior to such hearing and has had~~

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~~an opportunity to be heard in person or by counsel.~~

Section 2. Section 163.357, Florida Statutes, is repealed.

Section 3. Subsections (1), (3), and (4) of section 163.361, Florida Statutes, are amended to read:

163.361 Modification of community redevelopment plans.—

(1) If at any time after the approval of a community redevelopment plan by the governing body it becomes necessary or desirable to amend or modify such plan, the governing body may amend such plan upon the recommendation of the agency. ~~The agency recommendation to amend or modify a redevelopment plan may include a change in the boundaries of the redevelopment area to add land to or exclude land from the redevelopment area, or may include the development and implementation of community policing innovations.~~

(3)~~(a)~~ The governing body may not adopt ~~In addition to the requirements of s. 163.346, and prior to the adoption of~~ any modification to a community redevelopment plan that expands the boundaries of the community redevelopment area or extends the time certain set forth in the redevelopment plan as required by s. 163.362(10)~~, the agency shall report such proposed modification to each taxing authority in writing or by an oral presentation, or both, regarding such proposed modification~~.

~~(b) For any community redevelopment agency that was not created pursuant to a delegation of authority under s. 163.410 by a county that has adopted a home rule charter and that modifies its adopted community redevelopment plan in a manner that expands the boundaries of the redevelopment area after October 1, 2006, the following additional procedures are required prior to adoption by the governing body of a modified~~

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~~community redevelopment plan:~~

~~1. Within 30 days after receipt of any report of a proposed modification that expands the boundaries of the redevelopment area, the county may provide notice by registered mail to the governing body of the municipality and the community redevelopment agency that the county has competing policy goals and plans for the public funds the county would be required to deposit to the community redevelopment trust fund under the proposed modification to the community redevelopment plan.~~

~~2. If the notice required in subparagraph 1. is timely provided, the governing body of the county and the governing body of the municipality that created the community redevelopment agency shall schedule and hold a joint hearing co-chaired by the chair of the governing body of the county and the mayor of the municipality, with the agenda to be set by the chair of the governing body of the county, at which the competing policy goals for the public funds shall be discussed. For those community redevelopment agencies for which the board of commissioners of the community redevelopment agency are comprised as specified in s. 163.356(2), a designee of the community redevelopment agency shall participate in the joint meeting as a nonvoting member. Any such hearing shall be held within 90 days after receipt by the county of the recommended modification of the adopted community redevelopment plan. Prior to the joint public hearing, the county may propose an alternative modified community redevelopment plan that meets the requirements of s. 163.360 to address the conditions identified in the resolution making a finding of necessity required under s. 163.355. If such an alternative modified redevelopment plan~~

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~~is proposed by the county, such plan shall be delivered to the governing body of the municipality that created the community redevelopment agency and the executive director or other officer of the community redevelopment agency by registered mail at least 30 days prior to holding the joint meeting.~~

~~3. If the notice required in subparagraph 1. is timely provided, the municipality may not proceed with the adoption of a modified plan until 30 days after the joint hearing unless the governing body of the county has failed to schedule or a majority of the members of the governing body of the county have failed to attend the joint hearing within the required 90-day period.~~

~~4. Notwithstanding the time requirements established in subparagraphs 2. and 3., the county and the municipality may at any time voluntarily use the dispute resolution process established in chapter 164 to attempt to resolve any competing policy goals between the county and municipality related to the community redevelopment agency. Nothing in this subparagraph grants the county or the municipality the authority to require the other local government to participate in the dispute resolution process.~~

~~(4) A modification to a community redevelopment plan that includes a change in the boundaries of the redevelopment area to add land must be supported by a resolution as provided in s. 163.355.~~

Section 4. Paragraph (c) of subsection (2) of section 163.370, Florida Statutes, is amended, and paragraph (d) is added to subsection (3) of that section, to read:

163.370 Powers; counties and municipalities; community

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redevelopment agencies.—

(2) Every county and municipality shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including the following powers in addition to others herein granted:

(c) To undertake and carry out community redevelopment and related activities within the community redevelopment area, which may include:

1. Acquisition of property within a slum area or a blighted area by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition.

2. Demolition and removal of buildings and improvements.

3. Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, public ~~areas of major hotels that are constructed in support of convention centers, including meeting rooms, banquet facilities,~~ parking garages, lobbies, and passageways, and other improvements necessary for carrying out in the community redevelopment area the community redevelopment objectives of this part in accordance with the community redevelopment plan.

4. Disposition of any property acquired in the community redevelopment area at its fair value as provided in s. 163.380 for uses in accordance with the community redevelopment plan.

5. Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the community redevelopment plan.

6. Acquisition by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition of

real property in the community redevelopment area which, under the community redevelopment plan, is to be repaired or rehabilitated for dwelling use or related facilities, repair or rehabilitation of the structures for guidance purposes, and resale of the property.

7. Acquisition by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition of any other real property in the community redevelopment area when necessary to eliminate unhealthful, unsanitary, or unsafe conditions; lessen density; eliminate obsolete or other uses detrimental to the public welfare; or otherwise to remove or prevent the spread of blight or deterioration or to provide land for needed public facilities.

8. Acquisition, without regard to any requirement that the area be a slum or blighted area, of air rights in an area consisting principally of land in highways, railway or subway tracks, bridge or tunnel entrances, or other similar facilities which have a blighting influence on the surrounding area and over which air rights sites are to be developed for the elimination of such blighting influences and for the provision of housing (and related facilities and uses) designed specifically for, and limited to, families and individuals of low or moderate income.

9. Acquisition by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition of property in unincorporated enclaves surrounded by the boundaries of a community redevelopment area when it is determined necessary by the agency to accomplish the community redevelopment plan.

10. Construction of foundations and platforms necessary for the provision of air rights sites of housing (and related facilities and uses) designed specifically for, and limited to, families and individuals of low or moderate income.

(3) The following projects may not be paid for or financed by increment revenues:

(d) Sponsorship, whether direct or indirect, of concerts, festivals, holiday events, parades, or similar activities.

Section 5. Section 163.3755, Florida Statutes, is amended to read:

163.3755 Termination of community redevelopment agencies.—

~~(1)~~ A community redevelopment agency ~~in existence on October 1, 2019,~~ shall terminate on the time certain for completing all redevelopment ~~expiration date~~ provided in the agency's charter as required by s. 163.362(10) or as may have been extended by ordinance or resolution before May 1, 2025 ~~on October 1, 2019, or on September 30, 2039, whichever is earlier, unless the governing body of the county or municipality that created the community redevelopment agency approves its continued existence by a majority vote of the members of the governing body~~.

~~(2)(a) If the governing body of the county or municipality that created the community redevelopment agency does not approve its continued existence by a majority vote of the governing body members,~~ A community redevelopment agency with outstanding bonds as of October 1, 2025 ~~2019~~, that do not mature until after the time certain for completing all redevelopment ~~termination date of the agency or September 30, 2039, whichever is earlier,~~ remains in existence until the date the bonds mature.

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~~(b)~~ A community redevelopment agency ~~operating under this subsection on or after September 30, 2039,~~ may not extend the maturity date of any outstanding bonds beyond the time certain for completing all redevelopment.

~~(c) The county or municipality that created the community redevelopment agency must issue a new finding of necessity limited to timely meeting the remaining bond obligations of the community redevelopment agency.~~

Section 6. Paragraph (b) of subsection (3) of section 112.3143, Florida Statutes, is amended to read:

112.3143 Voting conflicts.—

(3)

(b) However, a commissioner of a community redevelopment agency created ~~or designated~~ pursuant to s. 163.356 ~~or s. 163.357~~, or an officer of an independent special tax district elected on a one-acre, one-vote basis, is not prohibited from voting, when voting in said capacity.

Section 7. Subsection (1) of section 163.340, Florida Statutes, is amended to read:

163.340 Definitions.—The following terms, wherever used or referred to in this part, have the following meanings:

(1) "Agency" or "community redevelopment agency" means a public agency created by~~, or designated pursuant to,~~ s. 163.356 ~~or s. 163.357~~.

Section 8. Section 163.346, Florida Statutes, is amended to read:

163.346 Notice to taxing authorities.—Before the governing body adopts any resolution or enacts any ordinance required under s. 163.355, s. 163.356, ~~s. 163.357,~~ or s. 163.387; creates

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a community redevelopment agency; approves, adopts, or amends a community redevelopment plan; or issues redevelopment revenue bonds under s. 163.385, the governing body must provide public notice of such proposed action pursuant to s. 125.66(2) or s. 166.041(3)(a) and, at least 15 days before such proposed action, mail by registered mail a notice to each taxing authority which levies ad valorem taxes on taxable real property contained within the geographic boundaries of the redevelopment area.

Section 9. Paragraph (b) of subsection (6) of section 163.360, Florida Statutes, is amended to read:

163.360 Community redevelopment plans.—

(6)

(b) For any governing body that has not authorized by June 5, 2006, a study to consider whether a finding of necessity resolution pursuant to s. 163.355 should be adopted, has not adopted a finding of necessity resolution pursuant to s. 163.355 by March 31, 2007, has not adopted a community redevelopment plan by June 7, 2007, and was not authorized to exercise community redevelopment powers pursuant to a delegation of authority under s. 163.410 by a county that has adopted a home rule charter, the following additional procedures are required prior to adoption by the governing body of a community redevelopment plan under subsection (7):

1. Within 30 days after receipt of any community redevelopment plan recommended by a community redevelopment agency under subsection (5), the county may provide written notice by registered mail to the governing body of the municipality and to the community redevelopment agency that the county has competing policy goals and plans for the public funds

the county would be required to deposit to the community redevelopment trust fund under the proposed community redevelopment plan.

2. If the notice required in subparagraph 1. is timely provided, the governing body of the county and the governing body of the municipality that created the community redevelopment agency shall schedule and hold a joint hearing co-chaired by the chair of the governing body of the county and the mayor of the municipality, with the agenda to be set by the chair of the governing body of the county, at which the competing policy goals for the public funds shall be discussed. For those community redevelopment agencies in existence on October 1, 2025, for which the board of commissioners of the community redevelopment agency are comprised as specified in s. 163.356(2), Florida Statutes 2024, a designee of the community redevelopment agency shall participate in the joint meeting as a nonvoting member. Any such hearing must be held within 90 days after receipt by the county of the recommended community redevelopment plan. Prior to the joint public hearing, the county may propose an alternative redevelopment plan that meets the requirements of this section to address the conditions identified in the resolution making a finding of necessity required by s. 163.355. If such an alternative redevelopment plan is proposed by the county, such plan shall be delivered to the governing body of the municipality that created the community redevelopment agency and to the executive director or other officer of the community redevelopment agency by registered mail at least 30 days prior to holding the joint meeting.

3. If the notice required in subparagraph 1. is timely provided, the municipality may not proceed with the adoption of the plan under subsection (7) until 30 days after the joint hearing unless the governing body of the county has failed to schedule or a majority of the members of the governing body of the county have failed to attend the joint hearing within the required 90-day period.

4. Notwithstanding the time requirements established in subparagraphs 2. and 3., the county and the municipality may at any time voluntarily use the dispute resolution process established in chapter 164 to attempt to resolve any competing policy goals between the county and municipality related to the community redevelopment agency. Nothing in this subparagraph grants the county or the municipality the authority to require the other local government to participate in the dispute resolution process.

Section 10. Subsection (1) of section 163.367, Florida Statutes, is amended to read:

163.367 Public officials, commissioners, and employees subject to code of ethics.—

(1) The officers, commissioners, and employees of a community redevelopment agency created by~~, or designated pursuant to,~~ s. 163.356 ~~or s. 163.357~~ are subject to part III of chapter 112, and commissioners also must comply with the ethics training requirements as imposed in s. 112.3142.

Section 11. Paragraph (a) of subsection (3) of section 163.380, Florida Statutes, is amended to read:

163.380 Disposal of property in community redevelopment area.—The disposal of property in a community redevelopment area

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which is acquired by eminent domain is subject to the limitations set forth in s. 73.013.

(3)(a) Prior to disposition of any real property or interest therein in a community redevelopment area, any county, municipality, or community redevelopment agency shall give public notice of such disposition by publication in a newspaper having a general circulation in the community, at least 30 days prior to the execution of any contract to sell, lease, or otherwise transfer real property and, prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section, invite proposals from, and make all pertinent information available to, private redevelopers or any persons interested in undertaking to redevelop or rehabilitate a community redevelopment area or any part thereof. Such notice shall identify the area or portion thereof and shall state that proposals must be made by those interested within 30 days after the date of publication of the notice and that such further information as is available may be obtained at such office as is designated in the notice. The county, municipality, or community redevelopment agency shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposals to carry them out; and the county, municipality, or community redevelopment agency may negotiate with any persons for proposals for the purchase, lease, or other transfer of any real property acquired by it in the community redevelopment area. The county, municipality, or community redevelopment agency may accept such proposal as it deems to be in the public interest and in furtherance of the purposes of this part. ~~Except~~ In the case of a community

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redevelopment agency in existence on October 1, 2025, for which the board of commissioners of the community redevelopment agency is comprised as specified in s. 163.356(2), Florida Statutes 2024 ~~governing body acting as the agency, as provided in s. 163.357~~, a notification of intention to accept such proposal must be filed with the governing body not less than 30 days prior to any such acceptance. Thereafter, the county, municipality, or community redevelopment agency may execute such contract in accordance with the provisions of subsection (1) and deliver deeds, leases, and other instruments and take all steps necessary to effectuate such contract.

Section 12. Paragraph (d) of subsection (1) of section 163.512, Florida Statutes, is amended to read:

163.512 Community redevelopment neighborhood improvement districts; creation; advisory council; dissolution.—

(1) Upon the recommendation of the community redevelopment agency and after a local planning ordinance has been adopted authorizing the creation of community redevelopment neighborhood improvement districts, the local governing body of a municipality or county may create community redevelopment neighborhood improvement districts by the enactment of a separate ordinance for each district, which ordinance:

(d) Designates the community redevelopment board of commissioners established pursuant to s. 163.356 ~~or s. 163.357~~ as the board of directors for the district.

Section 13. This act shall take effect July 1, 2025.

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The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/SB 1242
INTRODUCER:	Rules Committee and Senator McClain
SUBJECT:	Community Redevelopment Agencies
DATE:	April 22, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Fleming	CA	**Favorable**
2.	Collazo	Cibula	JU	**Favorable**
3.	Hackett	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1242 amends law related to community redevelopment agencies (CRAs), dependent special districts authorized by the Community Redevelopment Act of 1969 to finance the redevelopment of designated slums and blighted areas and to address shortages of affordable housing. Specifically, the bill:

- Amends the governing structure of CRAs such that, going forward, when a governing body of a county or municipality creates a community redevelopment agency the members of the governing body sit as members of the agency.
- Prohibits modification to a community redevelopment plan that expands the boundaries of the community redevelopment area or extends the time certain set forth in the redevelopment plan.
- Prohibits a CRA from expending funds on public areas of hotels, or sponsorship of concerts, festivals, holiday events, parades, or similar activities.
- Provides that a CRA will terminate when it reaches the time certain set forth for completing all redevelopment provided in the agency's charter, or as may have been extended by ordinance or resolution prior to May 1, 2025.

The bill takes effect July 1, 2025.

II. Present Situation:

Community Redevelopment Agencies

Generally

A community redevelopment agency (CRA) is a public entity that finances redevelopment within focused, geographic areas created under Florida Statutes.[1] The Community Redevelopment Act of 1969[2] authorizes a county or municipality to create a CRA as a means of redeveloping "slum" and "blighted areas" and addressing shortages of affordable housing.[3]

The Act defines a "slum area" as an area having "physical or economic conditions conducive to disease, infant mortality, juvenile delinquency, poverty, or crime" because there is a predominance of buildings or improvements in poor states of repair, and any one of the following factors is present:

- Inadequate ventilation, light, air, sanitation, or open spaces.
- High density of population, compared to the population density of adjacent areas within the county or municipality, and overcrowding, as indicated by government-maintained statistics or other studies and the requirements of the Florida Building Code.
- The existence of conditions that endanger life or property from fire or other causes.[4]

The Act defines a "blighted area" as an area in which there are a substantial number of deteriorated or deteriorating structures that are endangering life or property or are leading to economic distress. Two or more of the following factors must also be present:

- A predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities.
- Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the 5 years prior to the finding of such conditions.
- Faulty lot layout in relation to size, adequacy, accessibility, or usefulness.
- Unsanitary or unsafe conditions.
- Deterioration of site or other improvements.
- Inadequate and outdated building density patterns.
- Falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality.
- Tax or special assessment delinquency exceeding the fair value of the land.
- Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality.
- Incidence of crime in the area higher than in the remainder of the county or municipality.
- Fire and emergency medical service calls to the area that are proportionately higher than in the remainder of the county or municipality.

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[1] City of Brooksville, Fla., *Community Redevelopment Agency FAQs: What is a CRA?*, https://www.cityofbrooksville.us/Faq.aspx?QID=88 (last visited Mar. 27, 2025).
[2] Chapter 69-305, Laws of Fla.; *see also* s. 163.330, F.S. (providing a short title for Part III, ch. 163, F.S.).
[3] Sections 163.335(1), 163.355, and 163.356(1), F.S.
[4] Section 163.340(7), F.S.

- A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality.
- Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area.
- Governmentally-owned property with adverse environmental conditions caused by a public or private entity.
- A substantial number or percentage of properties damaged by sinkhole activity which have not been adequately repaired or stabilized.[5]

However, an area may also be classified as blighted if only one of these factors is present and the taxing authorities having jurisdiction over the area all agree that the area is blighted, by interlocal agreement or by passage of a resolution by the governing bodies.[6]

Creation

Either a county or a municipal government may create a CRA. Before creating a CRA, a county or municipal government must adopt a resolution with a "finding of necessity." This resolution must make legislative findings supported by data and analysis that the area to be included in the CRA's jurisdiction is either a slum, blighted, or experiencing a shortage of affordable housing, and that redevelopment of the area is necessary to promote the public health, safety, morals, or welfare of residents.[7]

A CRA created by a county may only operate within the boundaries of a municipality when the municipality has concurred by resolution with the community redevelopment plan adopted by the county.[8] A CRA created by a municipality may not include more than 80 percent of the municipality if it was created after July 1, 2006.[9]

As of March 31, 2025, there are more than 200 CRAs in Florida.[10]

Project Funding

CRA projects are funded by Tax Increment Financing (TIF) from each redevelopment area.

> When a redevelopment area is established, the current assessed value of the property within the project area is designated as the base year value. TIF is a mechanism which captures a percentage of any new tax revenue generated within a redevelopment area. For example, if a CRA area is established in 2001, the [CRA] receives a percentage of any tax revenue greater than the amount of revenue captured in that base year. This percentage can range

[5] Section 163.340(8), F.S.
[6] *Id.*
[7] Section 163.355, F.S.
[8] Section 163.356(1), F.S.
[9] Section 163.340(10), F.S.
[10] *See* Dept. of Commerce, *Official List of Special Districts*, available at https://www.floridajobs.org/community-planning-and-development/special-districts/special-district-accountability-program/official-list-of-special-districts (last visited Mar. 12, 2025) (providing a way to download a PDF list of links to the office websites of all special districts in Florida, including CRAs).

between 50% and 95%. Currently, the CRA areas receive 95% of this increase as TIF funds to be used in the community redevelopment areas. TIF funds collected from a particular CRA area are invested back into that area only.[11]

Community Redevelopment Plans

A community redevelopment plan must be in place before a CRA can engage in operations.[12] Each community redevelopment plan must provide a time certain for completing all redevelopment financed by increment revenues. The time certain must occur within 30 years after the fiscal year in which the plan is approved, adopted, or amended. However, for any agency created after July 1, 2002, the time certain for completing all redevelopment financed by increment revenues must occur within 40 years after the fiscal year in which the plan is approved or adopted.[13]

In terms of process, the county, municipality, the CRA itself, or any member of the public may propose a community redevelopment plan, and the CRA may choose which submitted plan it desires to use as its community redevelopment plan. The CRA must submit the plan to the local planning agency for review before the plan can be considered. The local planning agency must complete its review and issue written recommendations with respect to the conformity of the proposed community redevelopment plan to the CRA within 60 days after receipt.[14]

The CRA must submit the community redevelopment plan it recommends for approval, together with its written recommendations, to the governing body that created the CRA, as well as to each taxing authority that levies ad valorem taxes on taxable real property contained in the boundaries of the CRA.[15] The local governing body that created the CRA must then hold a public hearing before the plan can be finally approved.[16]

To approve the plan, the local governing body must make certain findings as specified in statute.[17] Ultimately, the community redevelopment plan must:

- Conform to the comprehensive plan for the county or municipality.
- Indicate intended:
  - Land acquisition, demolition, and removal of structures.
  - Redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the community redevelopment area.
  - Zoning and planning changes, if any.
  - Land uses.
  - Maximum densities.
  - Building requirements.

[11] City of Brooksville, Fla., *Community Redevelopment Agency FAQs: How is a CRA funded?*, https://www.cityofbrooksville.us/Faq.aspx?QID=88 (last visited Mar. 27, 2025).
[12] Section163.360(9), F.S.
[13] Section 163.362(10), F.S.
[14] Section 163.360(4), F.S.
[15] Section 163.360(5), F.S.
[16] Section 163.360(6), F.S.
[17] Section 163.360(7), F.S.

- Provide for the development of affordable housing in the area or state the reasons for not addressing the development of affordable housing in the plan.[18]

Sunsetting

In 2019, the Legislature amended the Act to increase accountability and transparency for CRAs and introduced a mechanism to have CRAs automatically declared inactive and terminated under certain circumstances.[19] Under the amendments, a CRA is declared inactive if it has no revenue, expenditures, or debt for 6 consecutive fiscal years.[20]

The 2019 legislation also created s. 163.3755, F.S., which provides that existing CRAs are terminated automatically at the earlier of the expiration date stated in the CRA's charter as of October 1, 2019, or on September 30, 2039. The governing board of the local government entity creating the CRA may prevent the termination of the CRA by majority vote.[21]

Since passage of the legislation, several CRAs have been extended by their local government entity. For example, the City of Fort Myers extended its CRA's termination date to September 30, 2050,[22] and Miami-Dade County extended the North Miami CRA to July 13, 2044.[23]

III. Effect of Proposed Changes:

Section 1 amends s. 163.356, F.S., related to the creating and governing structure of a community redevelopment agency. The bill provides that the alternate governing structure provided in current s. 163.357, F.S., replaces the current appointed board structure as the default for creating future agencies.

Under the bill, when the governing body of a county or municipality creates a community redevelopment agency the body will declare itself the agency, and the members of the governing body sit as members of the agency. A governing body that consists of five members may appoint two additional members to four year terms on the agency. The section removes statutory provisions related to the appointment of agency board members, preserving the ability of the agency to employ a director, technical experts, and other agents.

The amendments made to this section do not amend or require the amendment of the structure, membership, or bylaws of any preexisting agency.

Section 2 repeals s. 163.357, F.S., which contained the alternate governing structure subsumed into the previous section of law.

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[18] Section 163.360(2), F.S.
[19] *See generally* ch. 2019-163, Laws of Fla.
[20] Chapter 2019-163, s. 7, Laws of Fla. (codifying s. 163.3756(2)(a), F.S.).
[21] Chapter 2019-163, s. 6, Laws of Fla. (codifying s. 163.3755(1), F.S.).
[22] City of Fort Myers, Resolution 2023-14, available at https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/1831495/CFM_Agenda_2023-14_Extension_of_CRA_from_Sept_2039_to_Sept_2050.pdf (last visited Mar. 27, 2025).
[23] Miami-Dade County, Resolution No. R-902-23, available at https://www.miamidade.gov/govaction/legistarfiles/MinMatters/Y2023/232093min.pdf (last visited Mar. 27, 2025).

Section 3 amends s. 163.361, F.S., to provide that a governing body may not adopt a modification to a community redevelopment plan that expands the boundaries of the community redevelopment area or extends the time certain set forth in the redevelopment plan. A redevelopment plan requires a time certain for completing all redevelopment financed by increment revenues, which must be set within either 30 or 40 years, depending on the age of the agency. Current law provides procedures for extending that time certain, and therefore extending the useful life of the agency itself, under certain circumstances; these provisions are stricken by the bill.

Section 4 amends s. 163.370, F.S., to provide that a community redevelopment agency may not expend funds on:

- Public areas of major hotels that are constructed in support of convention centers, including meeting rooms, banquet facilities; or
- Sponsorship, whether direct or indirect, of concerts, festivals, holiday events, parades, or similar activities.

Section 5 amends s. 163.3755, F.S., to simplify the statute relating to the termination of community redevelopment agencies. Under the bill, a community redevelopment agency will terminate when it reaches the time certain set forth for completing all redevelopment provided in the agency's charter, or as may have been extended by ordinance or resolution prior to May 1, 2025.

A community redevelopment agency with outstanding bonds as of October 1, 2025, that mature later will remain in existence until such bonds mature, and an agency may not extend the maturity date of any bonds beyond the agency's time certain for completing all redevelopment.

Sections 6-12 make conforming amendments to various statutes.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 163.356, 163.361, 163.370, 163.3755, 112.3143, 163.340, 163.346, 163.360, 163.367, 163.380, and 163.512 of the Florida Statutes.

The bill repeals section 163.357 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Rules on April 21, 2025:
The committee substitute provides that:

- New community redevelopment agencies will use the governing structure where the local government's board sitting as the agency's board;
- Agencies may not be amended to expand their area of jurisdiction or to extend the time certain for completing projects;
- Agencies may not fund areas of hotels or sponsor, directly or indirectly, concerts, festivals, holiday events, parades; and
- Agencies will terminate on the time certain for completing projects established in their redevelopment plan, and may not extend bond maturity past this date.

The committee substitute also deletes statutory provisions related to the board of commissioners governing structure for community redevelopment agencies that will not be used going forward.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

Mike Giallombardo's CRA-killing bill advances, but even some supporters disagree with its aim

'I look at this bill as if we're chopping down a tree when we should be just trimming a branch.'

A bill that would end all of Florida's community redevelopment agencies (CRAs) within the next 20 years is advancing in the House, where even some who voted for the measure believe it's too severe.

Members of the **State Affairs Committee** voted 17-8 for **HB 991**, which would ban the creation of new CRAs — special government entities meant to improve blighted areas by funding infrastructure, housing, and business development projects — on or after July 1.

Any existing CRA would have to be terminated by the end of fiscal 2045 or the termination date in the CRA's charter, whichever is earliest. Existing CRAs couldn't be extended.

The bill, as written, would also bar CRAs from initiating new projects or issuing debt after Oct. 1. Those with outstanding bonds would still be able to operate until the bonds mature, but with a closing deadline of no later than Oct. 1, 2045.

Cape Coral Republican Rep. **Mike Giallombardo** filed HB 991 after learning that some CRAs have misappropriated funds. He said their Boards, usually composed of City Council members or their local analogs, have used the money to fund pet projects like art festivals and give themselves raises.

Giallombardo said he had pictures on his phone proving breaches of fiduciary duty by CRA Board members. He declined repeated requests to specify whom he was talking about or where the malfeasance had occurred.

“These CRAs become pockets of, let’s just call it, slush funds for some of these local governments,” he said. “And some of these are 50 years old. They just continue to kick the ball down the road,” he said. “We’re in an opportunity right now, especially with the climate — you know, **DOGE** and accountability — (and) I think it’s important for us to take a look at these.”

Rep. Mike Giallombardo said eliminating CRAs will end the waste, fraud, and abuse, which he’s seen evidence that he declined to share with his colleagues on Thursday. Image via Florida House.

First authorized by the Legislature in 1969, CRAs are state-authorized but locally established to target and develop specific urban or rural areas affected by economic distress or underdevelopment. Their principal funding mechanism is tax increment financing (TIF), where taxable property values are “frozen” at the onset of the CRA’s creation. As property values increase over time alongside redevelopment and improvement projects, the additional property tax revenue generated feeds back into the CRA for reinvestment in future projects.

Many have been staggeringly successful. Rep. **Griff Griffitts**, a Panama City Beach Republican, spoke of one CRA created in his district in 2020. At the time, the taxable value of the area was $900,000. Today, he said, it’s $6 billion.

"I know the good that they can provide for communities," he said, adding that "bad actors" still misuse agency dollars and comingle funds. He said one of the objectives of CRAs, to finance the development of affordable and workforce housing, can be supplemented or replaced by the state's **SHIP** and **SAIL** programs that the lawmakers infused with funding through the **Live Local Act**.

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Griffitts said HB 991 "is not perfect" and appeared to disagree with its central premise of killing CRAs outright within the next two decades. "But I think this is a really good start to put some guardrails around these CRAs."

Griffitts voted for the bill, as did Melbourne Republican Rep. **Debbie Mayfield**, who similarly expressed concern about wiping out CRAs altogether and recommended instead that tighter restrictions be placed on them.

It would hardly be the first time. In 2019, lawmakers passed more stringent oversight rules for CRAs through **HB 9**, which, among other things, imposed new audit disclosure requirements, mandated that CRA spending must have County Commission preapproval, and provided that the state could terminate inactive agencies.

Rep. Debbie Mayfield said her vote for HB 991 Tuesday came with a hope that it would be amended before passage to address the many concerns she heard from both sides of the dais. Image via Colin Hackley/Florida Politics.

Boynton Beach Democratic Rep. **Joe Casello** suggested that a more reasonable approach would be strengthening the standards HB 9 established "rather than eliminating a tool that

has successfully driven local economic growth."

Delray Beach Republican Rep. **Mike Caruso** agreed. He said some Board members may be acting improperly, but the benefit CRAs provide to "blighted areas that the free market failed to improve" is more than enough of a testament to their worth.

"I look at this bill as if we're chopping down a tree when we should be just trimming a branch," Caruso said.

Giallombardo noted that funds from a CRA would remain with its given city, which could directly take on revitalization projects. But several members of the Committee pointed out problems with that perspective.

Rep. **Anna Eskamani**, an Orlando Democrat, said the runway his bill provides CRAs with outstanding bonds may not be long enough, particularly for longer, multiphase projects. North Miami Democratic Rep. **Dotie Joseph** said HB 991 would compound the negative impacts of a proposal (**SB 852**) Gov. **Ron DeSantis** supports this year to study eliminating property taxes, which could hamper local services, including "defunding the police."

Small businesses within CRAs pay lower rents, made possible by the frozen property values, and eliminating that arrangement could drive their overhead costs to untenable levels, Lake Worth Democratic Rep. **Debra Tendrich** said. The bill would also prevent some less well-to-do residents from being able to buy homes and imperil local transportation provisions that benefit seniors, she said.

Casello, Caruso, Eskamani, Joseph and Tendrich voted against HB 991. St. Pete Beach Republican Rep. **Linda Chaney** voted for it but said she still sees the benefit of CRAs.

"I also have experienced the use of CRAs maybe not in the best interest of the taxpayer in terms of need-to-have versus nice-to-have projects," she said. "Having said that, I would like to talk to you about maybe some refinement to this so that the need-to-have projects are funded above the nice-to-have projects."

Rep. Dotie Joseph repeatedly asked Giallombardo for specific examples of CRA malfeasance. He said he had them on his phone, but didn't elaborate, Image via Colin Hackley/Florida Politics.

Rep. **Ashley Gantt**, a Miami Democrat, contended that HB 991 is too vague and looks to destroy rather than correct. She said she was troubled by Giallombardo's reference to DOGE, President **Donald Trump's** federal initiative through which unelected billionaire **Elon Musk** has taken a (**somewhat figurative**) chainsaw to federal agencies in the name of government efficiency.

"We see how many thousands of federal employees have been laid off and are hopeless. I don't want that to happen in my community," Gantt said. "We have the power and ability … to protect our citizens, to make sure that they know that they are seen. … Why can't we be transformative in thinking of new ways to still be accomplished? We don't want CRAs to exist in perpetuity, but we also don't want to kill the hope in our community. And it's not like we're asking for unreasonable changes or clarification."

Gantt, Joseph and Tampa Democratic Rep. **Diane Hart**, who is not a member of the State Affairs Committee but appeared at the meeting, each proffered amendments to HB 991. Hart's would have deleted the ban on new CRAs after July 1. Gantt aimed to erase the bill's prohibition on new CRA projects and debts after Oct. 1. Joseph's would have replaced the bill's language entirely with an allowance that any resident or business owner in a CRA could file a complaint about any violation of state CRA rules that the Department of Commerce would have to investigate.

The GOP-dominated panel rejected them all.

Americans for Prosperity signaled support for the HB 991. Mulberry Commissioner **Neil Devine**, 1000 Friends of Florida and representatives of Wakulla and the CRAs of North Miami,

North Miami Beach and Opa-locka opposed the measure.

Lobbyist **Ryan Matthews**, representing the **Florida Redevelopment Association**, which includes all 213 CRAs in the state, said cities without CRAs wouldn't be able to use TIF funding to multiply their investment dollars and significantly improve their ability to issue bonds for projects.

He said that Florida's 213 CRAs aren't averse to sunsetting, but some need more time.

"We have multi-hundred-million-dollar projects in the pipeline," he said, adding that HB 991 passes with its prohibition on new projects intact, it "will prevent those projects from coming to fruition."

David Cruz of the Florida League of Cities told the panel about a project underway in Southwest Florida. A developer wants to build **78 new affordable units**. The company bought land, obtained entitlements, went through zoning, and secured funding. Groundbreaking is scheduled for December.

Giallombardo's bill puts the project at risk, he said, because the developer's previously guaranteed tax rebate through the local CRA wouldn't be possible.

"That entire project is going to go up in smoke," he said.

HB 991 advanced on a party-line vote, with only Caruso crossing the aisle to vote "no" with his Democratic colleagues. The bill will next go to the House State Affairs Committee, after which it has one more stop before a floor vote.

Its Senate twin (**SB 1242**) by Ocala Republican Sen. **Stan McClain** skidded by its first of three Committee stops Tuesday on a 4-3 vote. It's next slated for a hearing before the Senate Judiciary Committee.


Jesse Scheckner

March 13, 2025

16 min

Anna Eskamani

Ashley Gantt

Community Redevelopment

Community Redevelopment Agencies

Affordable Housing Update

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/SB 1730
INTRODUCER:	Rules Committee, Community Affairs Committee and Senator Calatayud
SUBJECT:	Affordable Housing
DATE:	April 9, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Fleming	CA	**Fav/CS**
2.	Hackett	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1730 amends various provisions of the Live Local Act, passed during the 2023 Regular Session, related to the preemption of certain zoning and land use regulations to authorize affordable housing developments. Specifically, the bill:

- Clarifies the application of the zoning preemption by defining "commercial," "industrial," and "mixed-use zoning," and providing that the preemption applies in areas such as planned unit developments with different zoning mechanics;
- Prohibits local governments from requiring amendments to developments of regional impact before allowing development;
- Prohibits local governments from requiring a certain amount of residential usage in mixed-use developments;
- Clarifies the nature of administrative approval of affordable housing developments;
- Requires local governments to reduce parking requirements, as opposed to considering such reduction;
- Provides for priority docketing and prevailing party attorneys' fees in lawsuits brought under the Live Local Act; and
- Prohibits local governments from enforcing building moratoria that would have the effect of delaying the permitting or construction of affordable housing developments, except in certain circumstances.

Outside of the Live Local Act, the bill also:

- Amends the evacuation time for the Florida Keys area of critical state concern;
- Enacts a state policy related to public sector and hospital employer-sponsored housing; and

- Clarifies that the Fair Housing Act prohibits local governments from discriminating in land use decisions based on the nature of a development as affordable housing.

The bill takes effect July 1, 2025.

II. Present Situation:

Affordable Housing

One major goal at all levels of government is to ensure that citizens have access to affordable housing. Housing is considered affordable when it costs less than 30 percent of a family's gross income. A family paying more than 30 percent of its income for housing is considered "cost burdened," while those paying more than 50 percent are considered "extremely cost burdened."

What makes housing "affordable" is a decrease in monthly rent so that income eligible households can pay less for the housing than it would otherwise cost at "market rate."[1] Lower monthly rent payment is a result of affordable housing financing that comes with an enforceable agreement from the developer to restrict the rent that can be charged based on the size of the household and the number of bedrooms in the unit.[2] The financing of affordable housing is made possible through government programs such as the federal Low-Income Housing Tax Credit Program and the Florida's State Apartment Incentive Loan program.[3]

Resident eligibility for Florida's state and federally funded housing programs is typically governed by area median income (AMI) levels. These levels are published annually by the U.S. Department of Housing and Urban Development for every county and metropolitan area.[4] Florida Statutes categorizes the levels of household income as follows:

- Extremely low income – households at or below 30% AMI;[5]
- Very low income – households at or below 50% AMI;[6]
- Low income – households at or below 80% AMI;[7] and
- Moderate income – households at or below 120% AMI.[8]

Zoning and Land Use Preemption for Affordable Developments

The Growth Management Act requires every city and county to create and implement a comprehensive plan to guide future development.[9] All development, both public and private, and

[1] The Florida Housing Coalition, *Affordable Housing in Florida*, p. 3, available at: https://flhousing.org/wp-content/uploads/2022/07/Affordable-Housing-in-Florida.pdf (last visited Mar. 26, 2025).
[2] *Id.*
[3] *Id.*
[4] U.S. Department of Housing and Urban Development, *Income Limits, Access Individual Income Limits Areas – Click Here for FY 2023 IL Documentation*, available at https://www.huduser.gov/portal/datasets/il.html#2021 (last visited Mar.26, 2025).
[5] Section 420.0004(9), F.S.
[6] Section 420.0004(17), F.S.
[7] Section 420.0004(11), F.S.
[8] Section 420.0004(12), F.S.
[9] Section 163.3167(2), F.S.

all development orders[10] approved by local governments must be consistent with the local government's comprehensive plan unless otherwise provided by law.[11] The Future Land Use Element in a comprehensive plan establishes a range of allowable uses and densities and intensities over large areas, and the specific use and intensities for specific parcels[12] within that range are decided by a more detailed, implementing zoning map.[13]

The Live Local Act (act)[14] preempts certain county and municipal zoning and land use decisions to encourage development of affordable multifamily rental housing in targeted land use areas. Specifically, the act requires counties and municipalities to allow a multifamily or mixed-use residential[15] rental development in any area zoned for commercial, industrial, or mixed-use if the development meets certain affordability requirements.[16] To qualify, the proposed development must reserve 40 percent of the units for residents with incomes up to 120% AMI, for a period of at least 30 years.

Additionally, the local government may not restrict the density or floor area ratio of qualifying developments below the highest allowed density, or below 150 percent of the highest allowed floor area ratio, on land within its jurisdiction where residential development is allowed, and may not restrict the height below the highest currently allowed height for a commercial or residential development in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher. Further height restrictions apply where a proposed development is adjacent to single family residential development.

An application for a development must be administratively approved and no further action is required from the governing body of the local government if the development satisfies the local government's land development regulations for multifamily in areas zoned for such use and is otherwise consistent with the jurisdiction's comprehensive plan.

A local government must consider reducing parking requirements for these developments if they are located within one-half mile of a major transit stop, as such term is the local government's land development code, and the major transit stop is accessible from the development. Additionally, a local government must reduce parking requirements by at least 20 percent if the development is located within one-half mile of a major transportation hub that is accessible from the proposed development and has available parking within 600 feet of the proposed

[10] "Development order" means any order granting, denying, or granting with conditions an application for a development permit. See s. 163.3164(15), F.S. "Development permit" includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land. See s. 163.3164(16), F.S.
[11] Section 163.3194(3), F.S
[12] When local governments make changes to their zoning regulations or comprehensive plans some structures may no longer be in compliance with the newly approved zoning and may be deemed a "nonconforming use." A nonconforming use or structure is one in which the use or structure was legally permitted prior to a change in the law, and the change in law would no longer permit the re-establishment of such structure or use.
[13] Richard Grosso, A Guide to Development Order "Consistency" Challenges Under Florida Statutes Section 163.3215, 34 J. Envtl. L. & Litig. 129, 154 (2019) citing Brevard Cty. v. Snyder, 627 So. 2d 469, 475 (Fla. 1993).
[14] The "Live Local Act", Ch. 2023-17, Laws of Fla., made various changes to affordable housing related programs and policies at the state and local levels, including zoning and land use preemptions favoring affordable housing, funding for state affordable housing programs, and tax provisions intended to incentivize affordable housing development.
[15] For mixed-use residential, at least 65 percent of the total square footage must be used for residential purposes.
[16] *See* ss. 125.01055(7) and 166.04151(7), F.S., this analysis section.

development (i.e., on-street parking, parking lots, or parking garages). Finally, as it relates to parking, a local government must eliminate parking requirements for a proposed mixed-use residential development within an area recognized by the local government as a transit-oriented development or area.
These zoning and land use provisions do not apply to recreational and commercial working waterfronts in industrial areas, and only mixed-use residential developments must be authorized under these provisions in areas where commercial or industrial capacity is exceptionally limited.

The act specifically requires that except as otherwise provided in the act, a qualifying development must comply with all applicable state and local laws and regulations.

These provisions are effective until October 1, 2033.

Priority Docketing

The Florida Rules of Judicial Administration govern the ways a judge controls a case in terms of timing and docketing. Some cases that come before a court are deemed priority cases, either directly in statute, in rule of procedure, or case law. Every judge has a duty to expedite priority cases to the extent reasonably possible.[17] For these cases judges are tasked with implementing docket control policies necessary to advance the case and ensure prompt resolution. [18] Docket control policies include setting deadlines for phases of the case, giving priority to hearings required to advance the case, and advancing the trial setting. A party in a priority status case may file a notice of priority status, and has recourse if they believe the case has not been appropriately advanced on the docket or received priority in scheduling.[19]

Florida Keys Area of Critical State Concern

In 1975, the Florida Keys were designated as an area of critical state concern. The designation includes the municipalities of Islamorada, Marathon, Layton and Key Colony Beach, and unincorporated Monroe County.[20] State, regional, and local governments in the Florida Keys Area of Critical State Concern are required to coordinate development plans and conduct programs and activities consistent with principles for guiding development. Principles include protecting the environmental resources, historical heritage, and water quality of the Florida Keys.[21]

A land development regulation or element of a local comprehensive plan in the Florida Keys Area may be enacted, amended, or rescinded by a local government, but such actions must be approved by the Florida Department of Commerce ("Commerce").[22] Amendments to local comprehensive plans must also be reviewed for compliance with several requirements:

[17] Fla. R. Jud. Admin. 2.215(g).
[18] Fla. R. Jud. Admin. 2.545(b).
[19] Fla. R. Jud. Admin. 2.545(c).
[20] The City of Key West functions as a separate area of critical state concern, called the City of Key West Area of Critical State Concern, with similar restrictions. Section 380.0552, F.S.; *2020 Florida Keys Area of Critical State Concern Annual Report* available at https://floridajobs.org/docs/default-source/2015-community-development/community-planning/2015-cmty-plan-acsc/2020keysacscannualreport.pdf?sfvrsn=51c94eb0_2 (last visited Mar. 26, 2025).
[21] For a full list of required considerations, *see* s. 380.0552(7), F.S.
[22] Section 380.0552(9)(a), F.S.

construction schedules, financing plans and compliance with construction standards for wastewater treatment and disposal facilities, and protection of public safety with maintenance of hurricane evacuation clearance time with standards developed by a hurricane evacuation study conducted under professionally accepted methodology.

Hurricane Evacuation Clearance Standards in the Florida Keys

The Florida Keys Area Protection Act[23] provides, in part, that comprehensive plan amendments within the covered area, which includes the majority of Monroe County, must comply with "goals, objectives and policies to protect public safety and welfare in the event of a natural disaster by maintaining a hurricane evacuation clearance time for permanent residents of no more than 24 hours." The hurricane evacuation clearance time must be determined by a hurricane evacuation study conducted in accordance with a professionally accepted methodology and approved by Commerce.[24]

Affordable Housing Financing and Employer-Sponsored Housing Policy

Housing credits are a financial instrument, tax credits, issued through the Low Income Housing Tax Credit program.[25] After being allocated a certain amount of tax credits by the federal government based on population and need, the Florida Housing Finance Corporation allocates the funding to affordable housing developers. There are two types of credits:

- 9 percent credits, which are more valuable and limited. These are competitively bid for and can typically fund two-thirds of a development's total cost; and
- 4 percent credits, which are not limited and considered "non-competitive." These typically fund one third of a development's total cost.

The Federal Internal Revenue Service provides requirements for developments that can qualify as low-income housing for the purpose of administering certain financing such as these tax credits.[26] One requirement is that, in general, a project be available for general public use. Exceptions to this requirement permit occupancy restrictions or preferences that favor tenants:[27]

- With special needs;
- Who are members of a specified group under a federal or state program or policy that supports housing for such group; or
- Who are involved in artistic or literary activities.

Fair Housing

The Florida Fair Housing Act[28] prohibits discrimination in housing-related activities, including the sale, rental, and financing of housing. The law protects individuals from discrimination based on race, color, national origin, sex, disability, familial status, or religion. The law also specifically prohibits local governments from discriminatory practices in land use decisions and

[23] Section 380.0552, F.S.
[24] Section 380.0552(9)(a)2., F.S.
[25] Florida Housing Finance Corporation, *Housing Credits*, available at https://www.floridahousing.org/programs/developers-multifamily-programs/low-income-housing-tax-credits (last visited Mar. 26, 2025).
[26] I.R.C. 42(g).
[27] I.R.C. 42(g)(9).
[28] Sections 760.20-760.37, F.S.

development permitting, including discrimination based on the source of financing of a development, except as otherwise provided by law.[29] The Act is enforced by the Florida Commission on Human Relations, which investigates complaints and can seek legal remedies for violations.

III. Effect of Proposed Changes:

Sections 1 and 2 amend ss. 125.01055 and 166.04151, F.S., related to the administrative approval of certain affordable housing developments under the Live Local Act. The amendments are organized below.

Application, Definitions, and Clarity

The bill amends several areas to more clearly define what areas are subject to the provisions of each statute's subsection 7, requiring the authorization of certain affordable housing developments. In an attempt to clarify applicability where traditional zoning is not utilized on a local level, the bill provides that the provisions apply in portions of any flexibly zoned areas such as a planned unit development permitted for commercial, industrial, or mixed use.

The bill further provides definitions for "commercial use," "industrial use," and "mixed use." Each definition is intended to function only for the purposes of the section and meant to apply regardless of the local regulation's categorization.

- "Commercial use" is defined as activities associated with the sale, rental, or distribution of products or the performance of services related thereto. The bill provides examples, and provides that accessory, ancillary, incidental, or temporary commercial uses are not enough to make a parcel zoned for commercial use for the purposes of the section. The term does not include home based businesses, vacation rentals, or cottage food operations undertaken on residential property. Additionally, recreational use, such as golf courses and tennis courts, within residential areas are not considered commercial use.
- "Industrial use" is defined as activities associated with the manufacture, assembly, processing, or storage of products or the performance of services related thereto. The bill provides examples and contains the same caveats as under commercial use, including the exclusion of recreational areas.
- "Mixed use" is defined as any use that combines multiple types of approved land uses from at least two of the residential, commercial, and industrial categories. The bill contains the same caveats as above, including the exclusion of recreational areas.

Amendments to Preemptive Provisions

The bill also amends certain functions of the required administrative approval process and parameters for the scope of the preemption. The bill clarifies on administrative approval that the action must occur without further action by the governing body of the local government or any quasi-judicial or administrative board or reviewing body.

The bill further provides that, pursuant to administrative approval, a local government may not require a proposed multifamily development to obtain a transfer of density or development units,

[29] Section 760.26, F.S.

or an amendment to a development or regional impact. Additionally, a local government may not require that more than 10 percent of the total square footage of a proposed mixed-use residential project be used for nonresidential purposes.

The preemption is amended to say that a county may not restrict the height, density, or floor area ratio of a proposed development below the highest currently allowed, or allowed on July 1, 2023, for a commercial or residential building located in its jurisdiction (for height, within 1 mile as currently provided). The provision of law restricting approved development height for proposed development adjacent to single-family residential use is similarly amended to be allow the highest allowed on July 1, 2023, but tempered not to exceed 10 stories.

For a proposed development within a municipality within an area of critical state concern, the bill provides that the term "story" includes only the habitable space above the base flood elevation as designated in the most current Flood Insurance Rate Map, and that a story may not exceed 10 feet in height between finished floors. The highest story in such a development may not exceed 10 feet from finished floor to the top plate.

The bill clarifies the density provision by defining "allowable density" to mean the density prescribed for the property without additional requirements to procure and transfer density units or development units from other properties.

The parking preemption is amended to require a local government, upon request by the applicant, to reduce parking requirements for a proposed development by 20 percent if the proposed development meets any of the criteria considered for parking reduction currently provided by law. Current law requires the local government to *consider* reducing parking requirements.

Exempt areas, which currently include only airport-impacted areas and commercial working waterfronts, are expanded to include the Wekiva Study Area[30] and the Everglades Protection Area.[31]

Counties are further permitted, but not required, to allow an adjacent parcel of land to be included within a proposed multifamily development authorized under the Live Local Act preemption, notwithstanding any other law or local ordinance or regulation to the contrary.

Civil Actions Under the Act

The bill contains several provisions related to litigation arising from this subsection of law. The bill provides that a court shall give any civil action filed against a local government for a violation priority over other pending cases and render a preliminary or final decision as expeditiously as possible. Further, the bill provides that the court must assess and award reasonable attorney fees and costs, not exceeding $200,000, to a prevailing party in such an action. Attorney fees incurred to determine an award of fees and costs are not recoverable.

[30] *See* s. 369.316, F.S. The Wekiva Study Area includes portions of Lake, Orange, and Seminole Counties.
[31] *See* s. 373.4592(2), F.S.

Moratoria

The bill creates a new subsection of ss. 125.01055 and 166.04151, F.S., to preempt local governments from enforcing building moratoria that have the effect of delaying the permitting or construction of a development under subsection (7).

As an exception, a local government may impose or enforce such a moratorium by ordinance for no more than 90 days in any 3-year period after preparing, publishing, and presenting an assessment of the locality's need for affordable housing.

The bill provides that, in a civil action filed against a local government under the subsection on moratoria, the court must assess and award reasonable attorney fees and costs, not exceeding $200,000, to a prevailing party in such an action. Attorney fees incurred to determine an award of fees and costs are not recoverable.

The prohibition on moratoria does not apply to a moratorium imposed due to unavailability of public facilities or services, or imposed to address storm- or flood-water management, provided such moratorium applies equally to all types of multifamily or mixed use residential development.

Section 3 provides that an applicant for a proposed development authorized under ss. 125.01055(7) or 166.04151(7), F.S., who submitted documentation before July 1, 2025, may proceed under the provisions of law as they existed at the time of submission, or notify the local government of their intent to revise their submission to account for the changes made by the bill.

Section 4 amends s. 380.0552, F.S., to amend the hurricane evacuation clearance time which subject local governments must base comprehensive planning around from twenty-four to twenty-six hours. **Section 5** provides that the intent of the Legislature in this amendment is to accommodate the building of additional developments to ameliorate the acute affordable housing and building permit allocation shortage. The Legislature thereby intends that local governments manage growth authorized by the amendment with a focus on long-term stability and affordable housing for the local workforce.

Section 6 creates s. 420.5098, F.S., to institute a state housing policy on public sector and hospital employer-sponsored housing. The bill provides that it is the policy of the state to support housing for employees of hospitals, health care facilities, and governmental entities and to allow developers using low-income housing tax credits and other sources of funding to create a preference for housing for such employees. However, such preference must conform with the requirements provided under federal law.

Section 7 amends s. 760.26, F.S., to provide that it is unlawful to discriminate in land use decisions or in the permitting of development based on the nature of a development or proposed development as affordable housing, except as otherwise provided by law.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 125.01055, 166.04151, 380.0552, and 760.26.

The bill creates an undesignated section of Florida law.

This bill creates the following section of the Florida Statutes: 420.5098.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Rules on April 8, 2025:

The committee substitute:

- Defines "story," as it pertains to the application of the height entitlement in the Florida Keys, to include only the habitable space above the base flood elevation, and limits the height of each story to 10 feet;
- Clarifies that "allowable density" means the density prescribed for the property without additional requirements to procure and transfer density units or development units from other properties;
- Clarifies that "commercial use," in terms of the land use preemption, includes hotels and excludes vacation rentals; and
- Changes terminology from "enact" to "enforce" on the prohibition on Live Local moratoria.

CS by Community Affairs on March 31, 2025:

The committee substitute revises sections of the bill related to the preemption of certain zoning and land use regulations under the Live Local Act, specifically:

- Removes a prohibition on requiring amendments to development agreements and restrictive covenants;
- Provides that the authorized height for a proposed development may use the density or floor area ratio allowed on July 1, 2023;
- Provides a cap of 10 stories for developments adjacent to residential development;
- Clarifies parking reduction requirements;
- Provides exceptions for the Wekiva Study Area and the Everglades Protection Area;
- Revises attorney fee provisions to favor the prevailing party, rather than plaintiff; removes reference to damages;
- Increases maximum attorney fee award from $100,000 to $200,000
- Clarifies zoning definitions; and
- Provides that a local government may, but is not required to, permit development on adjacent properties to proposed developments authorized under the Live Local Act.

B. Amendments:

None.

FLC – Bill Summary for CS/CS/SB 1730

CS/CS/SB 1730 (2025) by Calatayud was adopted by the Legislature and signed into law by the Governor. The bill revises the land use policy provisions within the Live Local Act, subsections 125.01055(7) and 166.04151(7), Florida Statutes. It also amends the optional municipal and county affordable housing provisions of sections 125.01055(6) and 166.01055(6), Florida Statutes.

The bill authorizes, but does not require, a municipality or county to authorize an affordable housing development on any parcel, including any contiguous parcel, owned by a religious institution and containing a house of worship, regardless of the underlying zoning. At least 10% of the units of such development must be affordable.

The bill includes "any flexibly-zoned area" permitted for commercial, industrial, or mixed-use (such as a planned unit development) in the list of zoning categories in which a Live Local Act project may be located. Specifically, it authorizes a Live Local Act project in portions of such areas that are permitted for commercial, industrial, or mixed-use. The bill specifies that a local government may not require a Live Local Act project to obtain a density transfer or amendment to a development of regional impact. In addition, it prohibits a local government from requiring more than 10% of the total square footage of mixed-use residential projects to be used for non-residential purposes.

The bill specifies that a local government may not restrict the height of a proposed Live Local Act project below the highest currently allowed or allowed on July 1, 2023, for a building located within one mile of the project. The bill also adds the date of July 1, 2023, to the density and floor area ratio provisions in current law. It specifies the term "floor area ratio" includes floor lot ratio and lot coverage.

The bill also addresses proposed developments on parcels with a contributing structure or building within a historic district listed in the National Register of Historic Places before January 2000, or on parcels with a structure or building individually listed in the National Register. For such developments, the bill authorizes a county or municipality to restrict the height of a proposed development to the highest currently allowed, or allowed on July 1, 2023, height for a commercial or residential building located in its jurisdiction within ¾ mile of the proposed development, or 3 stories, whichever is higher. The term "highest currently allowed" in this paragraph includes the maximum height allowed for any building in a zoning district, irrespective of any conditions. A county or municipality must administratively approve the demolition of an existing structure associated with such a development if the proposed demolition otherwise complies with all state and local regulations. If the proposed development is on a parcel with a contributing structure or

building or is on a parcel with a structure or building individually listed as described above, the county or municipality may administratively require the proposed development comply with local regulations relating to architectural design, provided it does not affect height, floor area ratio, or density of the proposed development.

The bill specifies that Live Local Act projects are subject to administrative approval by a local government, without further action required by the governing body or any quasi-judicial or administrative board or reviewing body, if the development satisfies the local government's land development regulations for multifamily uses and is consistent with the comprehensive plan.

If requested by an applicant, a local government must reduce parking requirements by at least 15% if the project is within ¼ mile of a transit stop, within ½ mile of a major transit hub, and parking is available within 600 feet of the project. The bill authorizes a local government to permit an adjacent parcel of land to be included within a proposed multi-family development authorized under the Live Local Act. It excludes the Wekiva Study Area and the Everglades Protection Area from the Live Local Act.

The bill directs courts to give priority to civil actions filed against a local government for violation of subsections 125.01055(7) or 166.04151(7) and specifies that fees and costs must be awarded to a prevailing party in such action, not to exceed $250,000. It defines the terms "commercial use," "industrial use," and "mixed-use." It excludes homebased businesses, cottage food operations, and vacation rentals from the definition of "commercial." It also excludes from the definitions of "commercial," "industrial," and "mixed-use" uses that are accessory, temporary, ancillary, or incidental to the allowable uses. Also excluded from these definitions are recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use.

The bill prohibits a municipality or county from imposing a building moratorium that has the effect of delaying the permitting or construction of a Live Local Act project, except as specified. It authorizes a local government to impose such a moratorium by ordinance for no more than 90 days in any three-year period. Before adopting such a moratorium, the local government must prepare an assessment of the governmental entity's need for affordable housing. The assessment must be posted on the local government's website and included in the local government's business impact estimate for the moratorium ordinance. It requires a court to award attorney fees and costs to a prevailing party, not to exceed $250,000, in an action brought for a violation of the moratorium requirements. The bill exempts moratoria imposed to address flooding, stormwater management, necessary

repair of sanitary sewer, or unavailability of potable water if such moratoria apply equally to all types of multifamily or mixed-use residential development.

Beginning November 1, 2026, the bill requires municipalities and counties to provide an annual report to the Department of Economic Opportunity that includes the following for the previous fiscal year: a summary of any litigation involving the Live Local Act; a list of Live Local projects approved or proposed (including size, density, intensity, number of units, number of affordable units and associated household income). The Department must submit the aggregated reported information to the Governor and Legislature annually.

The bill authorizes an applicant for a proposed development with an application submitted prior to July 1, 2025, to notify the county or municipality of its intent to proceed under the Live Local Act as it existed at the time of application or its intent to submit a revised application to proceed under the Live Local Act as revised by the bill.

The bill creates section 420.5098, Florida Statutes, to establish legislative intent to support the development of affordable workforce housing for employees of hospitals, health care facilities, and governmental entities, using federal low-income housing tax credits, local or state funds, or other sources of funding to create a preference for housing for such employees.

WEISS SEROTA
HELFMAN COLE + BIERMAN

The Continued Evolution of the Live Local Act Section 166.04151(7), Florida Statutes

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Presented to Florida Municipal Attorneys' Association
July 2025

1

Affordable Housing Policy Context

- Unquestionably a key policy priority for Florida and for US, now and for decades.
- For at least the past 50 years, it has been clear that money is the key issue. The value of land and the cost of production are primary barriers. Funding sources and tax incentives directly address that problem.
- Florida was a leader nationally in addressing the issue. Florida Legislature squandered that lead by spending a decade raiding the Sadowski Trust Fund to fund general government and avoid raising revenue. Losing $2 billion from the affordable housing finance world had real consequences.
- Live Local Act was their effort to repair the damage.

2

Policy Issues With Live Local Act

- A sea of residential development generally does not pay for itself. Local governments that already provide appropriate opportunities for multifamily/mixed use housing should not see their regulatory foresight rewarded with preemptions that allow housing to undermine their fiscal viability by consuming key parcels available for jobs, industry and commerce.
- Loss of home rule power to protect and shape local identity – Undermines vision
- Impact on coastal cities:
  - Increasing permanent density on barrier island, which violates decades-old state policy
  - Area is prone to flooding and highly vulnerable to the rising seas and storm surge driven by climate change
  - Reaches gridlock in season already - Affects evacuation time.

3

Last Year's Lessons Learned?

- Underwhelming impact of the preemptions in actually delivering affordable housing.
- LLA Development is being used to leverage upzoning in situations where LLA Development may not make much sense. Highest value land, highest cost of development.
- There may be good independent reasons not to allow Live Local projects in the specified zoning districts.
  - Undermining industrial and economic development policy. Fiscal sustainability of bedroom communities.
  - In coastal areas, placing new permanent residential density on the barrier island in harm's way.
  - Undermines planning for where greater density and mixed use is appropriate.

4

Lessons Learned? Florida Housing Coalition

Scoring Live Local - Introduction

Common concerns about the LLA Land Use Mandate

Concern	For LLA Argument	Against LLA Argument
The LLA could place affordable housing where people should not live (i.e. near heavy industrial, food deserts, places with high transit costs, etc.)	• The market will self-regulate and keep housing out of heavy industrial/less desirable areas • Concurrency controls & affordable housing funding requirements (if public subsidy is sought) can still be used	• Local gov't is limited from imposing safeguards to keep affordable housing out of "undesirable" locations • No public hearings for housing to be placed where housing was not allowed previously
The LLA reduces land available for "jobs"	• It wasn't "job land" to begin with. If a commercial or industrial site was undeveloped for an extended time and it becomes a productive use (housing), that's good! • Housing brings retail and other amenities – aka more jobs • Consider the 20% rule – mixed use requirement	• Local gov't zoned land commercial and industrial for a reason!
Income targeting of 120% AMI is too high for certain communities	• Filtering – more rental housing for the 120% AMI band means more affordable housing to incomes below • 120% AMI housing is workforce housing	• Greatest needs for affordable housing are at 80% AMI and below

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Lessons Learned? Florida Housing Coalition

- Scoring Live Local's main research question: Is the Live Local Act's land use mandate being used in areas that are suitable for affordable housing? March 2025 snapshot of known sites seeking to use LLA
- As of March 2025, proposals using the land use provision of the Live Local Act have resulted in:

- ~ 31,691 total proposed units
- ~ 106 proposed multifamily and mixed-use developments
  - ~ 84 commercially zoned properties (roughly 80% of all proposals)
  - ~ 13 industrially zoned properties
  - ~ 9 mixed-use zoned properties
  - ~ 3 PUDs/PDs
  - Most of these proposals would serve 40% @ 120% AMI

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Lessons Learned? Florida Housing Coalition

These jurisdictions have seen the highest levels of utilization:

1. City of Miami (29 proposals)
2. Miami-Dade County (13 proposals)
3. Miami Beach (10 proposals)
4. Hillsborough County (7 proposals)
5. Fort Lauderdale (5 proposals)
6. Cape Coral, Orlando, Osceola (tied w/ 3 proposals each)

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Lessons Learned? Florida Housing Coalition

https://flhousingc.maps.arcgis.com/apps/dashboards/3d8c36553af44db1aae3b32a7b8a6f81

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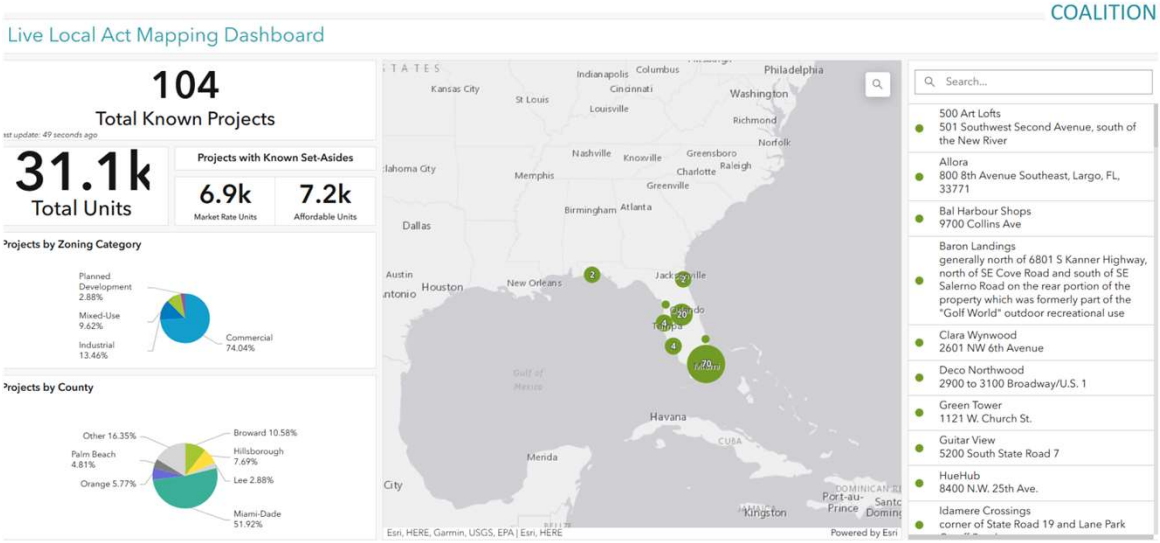

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Base project access/buffer analysis:

Projects are generally close to amenities AND industrial uses

Amenity/Disamenity	Standard for "Base" Good Proximity (Amenities) or Buffering (Disamenities) in Miles[1]	Project Distance in Miles		Count of Projects Meeting Good Proximity/ Buffering Standards[1]	Share of Projects Meeting Good Proximity/ Buffering Standards[1]
		Mean	Median		
Amenity					
Transit	0.5	0.8	0.1	68	76%
Hospital	10	3.6	2.3	82	92%
Local Parks	5	1.8	0.9	82	92%
Primary Schools	5	0.7	0.5	89	100%
Secondary Schools	10	0.9	0.7	89	100%
K-12 Schools	10	1.3	0.9	88	99%
Grocery	5	1.0	0.7	87	98%
Retail/Services	5	0.1	0.1	89	100%
State/Federal Parks	10	10.5	11.3	35	39%
Disamenity					
100-Year Flood Zones	Outside of Zones	N/A	N/A	63	71%
Industrial	0.25	0.26	0.15	26	29%
Other Undesirable Areas	0.25	7.84	9.89	85	96%

[1] For amenities where it is desirable for housing to be nearby, this standard is used in this table to show projects within distances listed. For disamenities where it is desirable to have a buffer from housing, this standard is used in this table to show projects outside of distances listed.

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Lessons Learned? Florida Housing Coalition

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Top and bottom 5 project score breakdowns:

Widespread, exceptional proximity to amenities boosts top scores

Rank	1st	2nd	3rd	4th	5th	85th	86th	87th	88th	89th
Transit	1	1	1	1	1	0	1	0	0	0
Hospital	2	2	2	2	2	1	0	0	2	2
Local Parks	2	1	2	2	1	0	0	1	0	1
Primary Schools	1	1	1	1	1	0.5	0.5	0.5	0.5	1
Secondary Schools	1	1	1	1	1	1	1	1	1	1
K-12 Schools	2	2	2	2	2	2	1	2	2	0
Grocery	2	2	1	2	2	1	1	1	0	0
Retail/Services	2	2	2	2	2	2	2	1	1	1
Job Score	0.862	0.004	0.002	0.057	0.019	0.003	0.013	0.003	0.003	0.003
State/Federal Parks	0	0.25	0.25	0	0	0.25	0	0.25	0	0
100-Year Flood Zones	0	0	0	0	0	0	0	0	0	-2
Industrial/Other Undesirable Areas	-3	-2	-2	-3	-2	-3	-2	-3	-3	-2
Total Score	10.862	10.254	10.252	10.057	10.019	4.753	4.513	3.753	3.503	2.003

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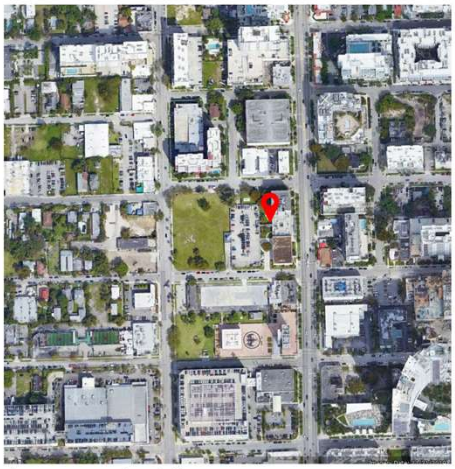
Project ranked #1



Images source: Google Maps

Distance to Nearest Amenity/Disamenity (miles) – Comprehensive Score Input	
Transit	0.06
Hospital	1.08
Local Parks	0.26
Primary Schools	0.24
Secondary Schools	0.41
K-12 Schools	0.59
Grocery	0.27
Retail/Services	0.06
State/Federal Parks	12.06
Industrial	0.07
Other Undesirable Areas	12.39
Outside 100-Year Flood Zones	

Example Specific Commercial and Industrial Uses Nearby – Google Review

Retail/Services: bakery, urgent care, office supply store, furniture outlet, loan agency, delivery management service, restaurant, preschool

Industrial: software company, self-storage, boat/car dealer, auto repair, granite supplier, Amazon sorting center

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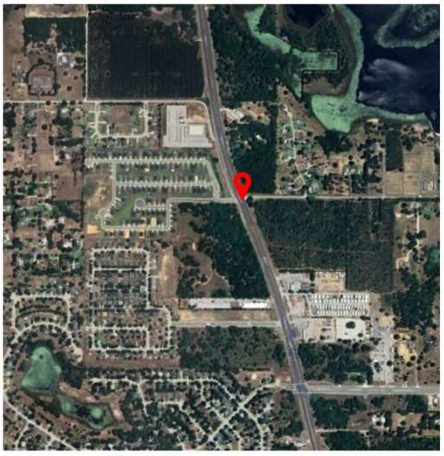
Lessons Learned? Florida Housing Coalition

Project ranked #88



Images source: Google Maps

Distance to Nearest Amenity/Disamenity (miles) – Comprehensive Score Input	
Transit	3.95
Hospital	4.24
Local Parks	7.49
Primary Schools	2.29
Secondary Schools	2.74
K-12 Schools	2.09
Grocery	12.05
Retail/Services	1.29
State/Federal Parks	12.31
Industrial	0.13
Other Undesirable Areas	0.70
Outside 100-Year Flood Zones	

Example Specific Commercial and Industrial Uses Nearby – Google Review

Retail/Services: Lawn mower store

Industrial: Self-storage, auto body shop, boat/RV storage, garage door supplier

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Lessons Learned? Florida Housing Coalition

Policy Takeaways

- A large majority of Live Local land use mandate sites are in places suitable for housing.
  - However, there are a few sites that are far from transit, close to heavy industrial uses, away from grocery stores, away from schools, etc. . .
  - Live Local may just need tweaks regarding housing suitability near disamenities rather than full-scale changes to ensure housing is located in appropriate places.
- Outside of Miami-Dade County (who has seen 51% of all tracked projects), local governments are seeing modest use of the LLA tool – broadly speaking, the Live Local land use mandate is not overtaking "job land"
- Not all industrial uses are the same – policies aimed at housing suitability in commercial and industrial areas should be focused on health outcomes

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Lessons Learned? Florida Housing Coalition

More on Nearby Industrial Uses

Additional observations

- Google review of nearby industrial sites indicates few large/heavy industrial uses that would likely negatively impact health of potential nearby residents.
- Much seeming turnover in certain cases of nearby industrial uses to non-industrial indicates potential usefulness of Live Local Act to build attainable homes on these sites.
- Homes already exist near proposed development sites in the case studies.

Further research

- Do "light industrial" and "warehouse" categories encompass similar specific uses across different jurisdictions/contexts?
- What definitions/additional standards are in place where these uses are mixed with residential to ensure successful mixing of uses?
- What is the basis for limitations to mixing industrial uses with residential (e.g., health, placemaking, aesthetics, balance of use mix, etc.)?

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Lessons Learned? Florida Housing Coalition

Improving Live Local – housing suitability

- Exclude properties (or at minimum, prohibit administrative approval) within a certain buffer to active, heavy industrial uses.
  - The definition of "heavy industrial" could expressly list active uses deemed not suitable for people to live near (CA AB 2011 model)
  - Buffer possibilities: adjacent to, within ¼ mile of, etc. . .
- Additional objective criteria for properties located in an area at high risk of flooding.
- Consider a public health impact assessment for sites in close proximity to an active heavy industrial use (Maryland HB 538 model).
  - Require objective criteria related to **health** and a finding that the project will not pose a substantial risk to the health and safety of future residents

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Lessons Learned? Florida Housing Coalition

Improving Live Local – affordability and local control

- Provide option to serve lower income households (i.e. allow builders to use the tool if they dedicate only 20% of the properties as affordable housing for households at or below 80% AMI)
- Consider allowing local governments to exclude up to ten percent (or other decided percentage) of commercial or industrial land from the Live Local land use mandate (AZ model)

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Lessons Learned?

Actual Housing Development?

- Per Housing Coalition, half of the projects and the top three jurisdictions in the state are in Miami-Dade County
  - Workforce (80-120% AMI) shortage – 17,000 units
  - Low income (<80% AMI) shortage – 90,000 units
- 7/13/25 Miami Herald: **Only ONE project has broken ground** (on June 6) in Miami-Dade County

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Lessons Learned?

Actual Housing Development?

- 7/13/25 Miami Herald: **Only ONE project has broken ground** (on June 6) in Miami-Dade County
  - 112-unit Beacon Hill at Princeton, just north of Homestead
  - Beacon Hill does low income/Section 8 housing, but switched to workforce to get LLA sales and property tax breaks and expedited approval process for this project
  - Follows the zoning
  - 3-story garden apartment workforce project at near market rent: $1700-$1900/mo. 1 br; $2100-$2300/mo. 2 br; max income $114,000
  - Quoting developers attorney: Developers finally realizing large scale projects may be infeasible with high interest rates and high costs for land, construction and insurance. Actual affordable projects benefitting from the tax exemptions and public financing or land.

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Live Local and the 2025 Legislative Session

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Zoning and Land Use Issues Under Live Local Act

Background: Areas "Zoned for" Use? Accessory Use?

Informal 2023 AGO to Dania Beach:

- Only applies to districts that are specifically for these purposes. Does not apply to other districts that might also allow commercial, industrial or mixed. "Zoned for" = zoning district, not a single use
  - 2024 effort to override the AGO (apply to any zoning district that allows any of these uses) was unsuccessful

Informal 2024 AGO to Rep. Lopez re Orlando MXD-2:

- Affirms Dania opinion. Suggests that the context indicates that mixed use means industrial or commercial with residential. Consider title and location of district, along with relevant plan and code provisions. Changes to evade LLA can be identified by zoning history and these factors.

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Zoning and Land Use Issues Under Live Local Act

- Informal 2023 AGO to Dania Beach:

On behalf of the City of Dania Beach, Florida ("City"), you asked for an opinion addressing substantially the following rephrased question:

> As used in the Committee Substitute to Senate Bill 102 (the "Live Local Act"), does the phrase "area zoned for commercial, industrial, or mixed use" refer to land located in zoning districts having a "commercial," an "industrial," or a "mixed use" zoning classification, or to land located in *any* zoning district in which commercial, industrial, or mixed use land uses are permitted?

In summary, I conclude that, as used in the Committee Substitute to Senate Bill 102, the phrase "area zoned for commercial, industrial, or mixed use" refers only to land located in districts having those specific zoning classifications, rather than encompassing land in any zoning district where some commercial, industrial, or mixed use land uses may be permitted.

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Zoning and Land Use Issues Under Live Local Act

- Informal 2024 AGO to Rep. Lopez re Orlando MXD-2:

> In using the phrase "area zoned for . . . mixed use" in section 166.04151(7)(a), has the Legislature dictated either the characteristics to be attributed to, or the nomenclature to be used in designating, mixed use zoning districts subject to the Act? How might a person determine whether an area maintains a zoning classification of mixed use?

In sum:

Unless and until legislatively or judicially determined otherwise, it is my opinion that while the particular name given by a municipality or County to a zoning classification is potentially helpful for determining whether a classification is a "mixed use" zoning classification, it is just one of several aspects worthy of consideration in determining whether a classification is a "mixed use" under the Act. A court reviewing the applicability of the Act would likely look beyond a title of a zoning classification and focus on whether the particular classification is similar to what has been historically and is normally understood to be a mixed use zoning classification specific to the area at issue.

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Zoning and Land Use Issues Under Live Local Act

- Use? Not applicable to residential **zoning districts**.
  - *HB 943: All residential with ancillary uses eligible? No.*
- Applies to industrial, commercial and mixed use zoning.
  - 2024 effort to remove industrial was unsuccessful
  - 2025 also applies to:
    - PUDs, per s. 163.3202(5)(b)
    - If govt agrees, adjacent parcels that do not qualify on their own
    - If govt agrees, any parcel regardless of zoning owned by a religious institution with a place of worship if 10% affordable.
  - HB 943:
    - *Exempt from all zoning/land use? No.*
    - *Property owned by municipality, school district, or religious institution? No.*

NOTE: These materials refer to HB 943 Lopez/SB 1730 Calatayud. SB 1730 was ultimately enacted and signed by the Governor on June 23. Changes from my 2024 presentation are in red. 2024 changes were in green.

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Zoning and Land Use Issues Under Live Local Act

- What are commercial uses? Defined. Must be zoned for by right, without variance/waiver. Not accessory, ancillary, incidental, or temporary uses. Name of the category is irrelevant.
  - **Commercial**: activities associated with the sale, rental, or distribution of products or the sale or performance of related services. The term includes, but is not limited to, retail/wholesale sales, rental goods/svcs, restaurant, hotels (25+ rooms), office, entertainment, food service, sports, theaters, tourist attraction, and other for-profit business activities.
    - NOT home based business or cottage food, vacation rental.
    - NOT recreation (e.g., golf, tennis, pool, clubhouse)

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Zoning and Land Use Issues Under Live Local Act

- What are industrial and PUD uses? Defined. Must be zoned for by right, without variance/waiver. Not accessory, ancillary, incidental, or temporary uses. Name of the category is irrelevant.
  - **Industrial**: activities associated with the manufacture, assembly, processing, or storage of products or the performance of related services. The term includes, but is not limited to, auto/boat manufacturing or repair, junkyards, meat packing, citrus/produce processing/packing, electrical/water/sewage plant, landfill.
  - **PUD**: As defined by s. 163.3202(5)(b): "Planned unit development" or "master planned community" means an area of land that is planned and developed as a single entity or in approved stages with uses and structures substantially related to the character of the entire development, or a self-contained development in which the subdivision and zoning controls are applied to the project as a whole rather than to individual lots.

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Zoning and Land Use Issues Under Live Local Act

- What is an area zoned for mixed use?
- Clearly, more than one nonresidential use qualifies.
- Mixed with residential? Less clear – statutory analysis does not support ("mixed use **residential** projects" vs "mixed use zoning districts"). Preemption not needed, since residential use is already allowed.
  - Mixed use now defined to include nonresidential **with residential**, without consideration of accessory, etc. Cannot require more than 10% nonresidential in mix.
    - ""Mixed-use" means "any use that combines multiple types of approved land uses from **at least two** of the residential use, commercial use, and industrial use categories." Excludes accessory, ancillary, temporary, recreational, incidental to the allowable uses.

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Zoning and Land Use Issues Under Live Local Act

- Where can LLA projects not go, regardless of zoning?
  - Airport-impacted areas (FS 333.03)
  - Recreational/commercial working waterfront zoned industrial
  - Wekiva Study Area, Everglades Protection Area
  - HB 943 – *also Keys ACSC and Key West ACSC? No.*
- Where can LLA projects go regardless of zoning?
  - *HB/SB proposed allowing golf courses, pools and tennis courts*
    - *"a parcel of land primarily developed and maintained as a golf course, a tennis court, or a swimming pool, regardless of the zoning of such parcel, may use the approval process provided in subsection (7)" for LLA projects, with single family adjacency rules for height apply*
  - No, recreational is **not** a commercial use, not eligible

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Zoning and Land Use Issues Under Live Local Act

- What zoning standards apply?
  - For the residential component, the Act says that development follows the multi family development regulations in areas zoned for such use, otherwise consistent with comp plan except for density (without TDR), FAR, height and land use.
    - Displaces standards designed for urban mixed residential development, and instead applies some multifamily district that contemplates a suburban apartment complex?

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Zoning and Land Use Issues Under Live Local Act

- What zoning standards apply?
- Cannot require rezoning, land use change, special exception, conditional use, variance.
  - Also "may not require "transfer of density or development units, amendment to a development of regional impact, amendment to a municipal charter"
  - *May not require amendment to DA or covenant? No*

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Zoning and Land Use Issues Under Live Local Act

- Not a complete preemption of local regulation?
  - Allows qualifying developments to go into zoning districts where they would not otherwise be allowed (use).
  - Otherwise preempts height, density and FAR only.
    - *HB 943 also preempts maximum lot size and maximum lot coverage (min. 70%)? No.*
    - FAR defined to include **lot coverage**
  - Currently allowed residential density – e.g., not hotel units. Not nonconforming. Not bonus/variance/incentive (2024 clarifies this). or as of July 1, 2023.
  - 150% of currently allowed FAR. or as of July 1, 2023.
  - Currently allowed height –or as of July 1, 2023.
  - Historic: Properties with contributing buildings/structures within historic district listed nationally before 1/1/2000 (Miami Beach art deco district) and those individually listed nationally – height limited to highest allowed as of July 1, 2023 in any zoning district regardless of conditions within ¾ mile.

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Zoning and Land Use Issues Under Live Local Act

Not a complete preemption of local regulation?

Special rules for height next to single family zoning:

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

- Also excludes separated by body of water.
- Allows height as of July 1, 2023.
- Height capped at 10 stories.
- Special definition of "story" for Keys ACSC.

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Zoning and Land Use Issues Under Live Local Act

- Not a complete preemption of local regulation?
  - Other local regulations apply. *HB 943 removes requirement to follow other applicable laws? No.*
  - Avoids public hearings for approval unless related to another request, such as a variance or plan amendment.
    - 2024 requires website posting re administrative approval*
    - Prohibits action by "any quasi-judicial or administrative board or reviewing body"
    - Administrative approval for demolishing structures on the property
  - *HB 943 expressly preempts the field of affordable housing? No.*

* University of Florida Levin College of Law's Environmental and Community Development Clinic developed a *Model Administrative Review Policy to Implement Florida's Live Local Act*, February 28, 2025, available from Prof. Thomas Hawkins, Director of the Center, at hawkins@law.ufl.edu.

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Zoning and Land Use Issues Under Live Local Act

Not a complete preemption of local regulation? Parking

- Must **consider** reduction – within ¼ mile of a transit stop and accessible, and must **reduce** by at least 20% - within ½ mile of major transportation hub (defined) safely accessible to pedestrians, has parking available with 600 feet of development? No.
- **Must reduce** parking on request of applicant by **15%** if near a transit stop and accessible, **or** within ½ mile of major transportation hub (defined) safely accessible to pedestrians, **or** has parking available with 600 feet of development
- *HB 943: Must reduce by at least 20**%**? No. Must reduce by 100% for structures less than 20,000 sq ft.? No.*

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Zoning and Land Use Issues Under Live Local Act

Not a complete preemption of local regulation?

Moratoria

- Cannot "enforce a building moratorium that **has the effect of delaying** the permitting or construction of" an LLA project.
- Prevailing party **attys fees/costs** if violate this.
- Still allowed: an ordinance for no more than **90 days in any 3-year** period, after preparing an **assessment** of current affordable housing **need** in the community and **5-year projections**, to be **posted** on website and **presented** at moratorium adoption hearing, and **included** in the business impact estimate.
- Still allowed: moratoria imposed or enforced to address **stormwater or flood water** management, to address the **supply of potable water**, or due to the necessary **repair of sanitary sewer** systems, if such moratoria **apply equally** to all types of multifamily or mixed-use residential development.

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Zoning and Land Use Issues Under Live Local Act

- Attorneys fees for violating preemption? Likely no under Section 57.112.
  - Attorneys' fees are available for violation of express preemption under new amendment to Section 57.112(2), Fla Stat.: "reasonable attorney fees and costs and damages to the prevailing party".
  - Opportunity to cure following notice and avoid attorneys fees, by amending or repealing what has been preempted.
  - No limit on amount of fees/costs/damages.
  - Most ordinances re Live Local preemption are likely zoning or land use ordinances, so would be exempt.

    (6) Does not apply to local ordinances adopted pursuant to **part II of chapter 163**, s. 553.73 (bldg.), or s. 633.202 (fire).

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Zoning and Land Use Issues Under Live Local Act

- Reasonable attorneys fees and costs for violating LLA? Yes, to prevailing parties with a cap, and no fees on fees.
  - The court shall give **priority** to a civil action for violation of LLA and render a preliminary or final decision in such action **as expeditiously as possible.**
  - Court **must** assess and award reasonable attorney fees and costs to the **prevailing party,** not to exceed **$250,000**. No fees on fees.

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Zoning and Land Use Issues Under Live Local Act

Reasonable attorneys fees and costs for violating LLA?

- *HB 943: Any action or decision after July 1, 2023 that indirectly or directly has the effect of limiting, unreasonably delaying, restricting project in any way deemed preempted? No.*
- *Prevailing plaintiff only? No.*
- *Damages? No.*
- *Court decision in 30 days? No.*
- *Court rule making? No.*

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Zoning and Land Use Issues Under Live Local Act

- Required Business Impact Estimate per Section 166.041(4)?
- No, per (c)7.a. exemption for land use and zoning:

  7. Ordinances enacted to implement the following:

  a. Part II of chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits;

- Changed by SB 1628, effective October 1, 2024, for land use and zoning legislation that is initiated by the government.
- Additional requirement for a business impact estimate for an allowed moratoria ordinance (max 90 days in 3 years)

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Zoning and Land Use Issues Under Live Local Act

Housing Discrimination Changes? No.

- *SB 1730: New cause of action for discrimination against nature of development as affordable housing*

  "760.26 Prohibited discrimination in land use decisions and in permitting of development. *—*

  (1) It is ***unlawful to discriminate*** *in land use decisions or in the permitting of development based on race, color, national origin, sex, disability, familial status, religion, or, except as otherwise provided by law, the source of financing of a development or proposed development or the nature of a development or proposed development as* ***affordable housing****."*

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Zoning and Land Use Issues Under Live Local Act

Housing Discrimination Changes? No

HB 943 also changes definition of person to include any other legal entity and governmental entities, and rewords:

". . . based on the source of financing of a development or proposed development; or based on a development or proposed development being for housing that is affordable as defined in s. 420.0004."

[420.004(3) "Affordable" means that monthly rents or monthly mortgage payments including taxes, insurance, and utilities do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for the households as indicated in subsection (9) [extremely low – 30% of median AGI], subsection (11) [low - 80% of median AGI], subsection (12) [moderate - 120% of median AGI], or subsection (17) [very low - 50% of median AGI].]

HB 943 also waives sovereign immunity for discriminatory housing practices.

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Zoning and Land Use Issues Under Live Local Act

HB 943: Retroactive application? No.

- *Housing discrimination: "Section 11. It is the intent of the Legislature that the amendments made by this act to s. 760.26, Florida Statutes, are remedial and clarifying in nature and **apply retroactively** to any cause of action filed on or before the effective date of this act."*
- *New exceptions to LLA for Everglades Protection Area, Wekiva Study Area, Keys ACSC and Key West ACSC are made retroactive to April 1, 2025.*

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Zoning and Land Use Issues Under Live Local Act

Other changes approved in 2025

- What law applies: Applicants who apply before July 1, 2025 can continue to pick and choose which version of LLA to follow. They must elect by July 1, 2025. Still covers notices of intent, etc. Local government must allow amendment of project accordingly.
- Public sector and hospital employer-sponsored housing: Intent to "establish a policy that supports the development of affordable workforce housing for employees of hospitals, health care facilities, and governmental entities". Governmental entities include public education and executive, judicial or legislative agencies/departments. Limiting eligibility to employees does not defeat tax status as a public use.
- Reporting: Annual reporting to Department of Commerce starting 11/1/26 on LLA litigation, actions on LLA projects. Commerce to report to Governor and legislative leadership on compliance by February 1 each year.

42

Zoning and Land Use Issues Under Live Local Act

HB 943 – Things that dropped out over the session

- Keys? No.
  - *SB 1730: Deems hurricane evacuation time **26 hours** (rather than the 24 hours in statute supported by data and analysis) so more units can be developed. Intent is to "accommodate the building of additional developments within the Florida Keys to ameliorate the acute affordable housing and building permit allocation shortage" and have locals "manage growth with a heightened focus on long-term stability and affordable housing for the local workforce".*
  - *HB 943: Deems evacuation time 24 hours 30 minutes.*
  - **See SB 180 – 24 hours, 30 minutes**.

43

Zoning and Land Use Issues Under Live Local Act

- HB 943 – Things that dropped out over the session
  - *Historic Landmarks: governing body which designates private property as a historic landmark without property owner consent must find, based on substantial competent evidence, that historic significance of the subject property is commensurate, to an equal or greater degree, with property it already designated? No.*
  - *Waiver of rights: "A municipality's review or approval of an application for a development permit or development order **may not be conditioned** on the waiver, forbearance, or abandonment of any development right authorized by this section." ? No*
  - *Statutory vesting: "If the owner of an administratively approved proposed development has **acted in reliance** on that approval, the owner has a vested right to proceed with development under the relevant laws, regulations, and ordinances at the time such rights vested, if the property continues to comply with the requirements of this section."? No.*

44

Zoning and Land Use Issues Under Live Local Act

- HB 943 – Things that dropped out over the session
  - *Impact fees: Required exemption of 20% of fees for LLA? No*
  - *Airports: clarifies that airport impacted areas are limited to commercial service airports as defined in section 332.0075(1), Florida Statutes? No.*
  - *Urban infill development: Must be administratively approved. No plan amendment, rezoning or variance? No*
    - *163.2517(1) A local government may designate a geographic area or areas within its jurisdiction as an **urban infill and redevelopment area** for the purpose of targeting economic development, job creation, housing, transportation, crime prevention, neighborhood revitalization and preservation, and land use incentives to encourage urban infill and redevelopment within the urban core.*
  - *Community Planning Act –Compatibility: deems all residential land use categories compatible with each other? No.* **See SB 1080 – other changes to CPA**
  - *Abandoned real property: Expedited foreclosure proceedings? No.*
  - *May not require amendment to development agreement or covenant? No*

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Zoning and Land Use Issues Under Live Local Act

- HB 943 – Things that dropped out over the session
  - *Expedited timeframes: shall approve building permit plan review for a proposed development within **60 days** authorized under this subsection, and **prioritize** building permit plan review for projects authorized under this subsection over other development projects? No*
  - *Urban service area: Redefined to include expansion areas? No*
  - *Optional plan elements: Cannot restrict density/intensity? No*
  - *Alternative data sources to support plan: outlawed? No*
  - *Urban sprawl: amendments exempted from sprawl requirements? No*
  - *Supermajority voting requirements: preempted for height and FAR increases? No*
  - *ADUs in single family: Mandated. No longer required to be affordable. Cannot increase cost to construct or prohibit construction of ADU. Lists rental limits, parking and minimum lot size requirements, and discretionary conditional use permit processes. Annual reporting to state beginning 10/1/25 on ADUs? No.* ***See other bills – SB 194 died***
  - *Must apply law in effect as of date of filing? No.*

46

Potential Regulatory Responses to 2025 LLA

Since LLA was enacted, some cities have been amending codes to:

- Make findings on how the LLA affects them*
- Clarify how administrative approval will be administered
- Specify which multi-family zoning district's regulations will be used for the standards for LLA projects – buffers, setbacks
- Specify the proportion of nonresidential uses in mixed use (now a max of 10%), and how to measure/distribute in buildings and project
- Provide for enforcement of affordability requirements
- Assure that the affordable units are a variety of unit types (not all studios) and are treated equitably in comparison to market rate units (access to common areas and amenities, quality of construction)

* E.g., LLA must be mixed use if less than 20 percent of the land area is for commercial or industrial use. Also, which districts are commercial, industrial or mixed use where LLA projects can locate.

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Potential Regulatory Responses to 2025 LLA

Since LLA was enacted, some cities have been amending codes to address:

- FAR regulations
- Application of bonuses, variances, special exceptions and conditional uses
- Potential impact of the adjacent to single family zoning clause
- Website policy for administrative approval
- Such regulation has been/may be challenged.

Following 2025 Session:

- More explicit blanket preemptions of this kind of regulation failed.
- May need to amend regulations to address LLA amendments being enacted each year.

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Litigation

Cases include:

Lake Mary - LLA project proposed in a developed PUD – project withdrawn and lawsuit voluntarily dismissed

Plant City – LLA project proposed in a recreational area of developed PUD

Bal Harbour – LLA project proposed on top of an operating ultra luxury mall on barrier island

Miami Beach – LLA project proposed on an operating historic hotel and nightclub on barrier island

Hollywood – LLA project proposed to replace low scale residential and hotel uses on barrier island

Pasco County – LLA allows commercial/industrial sites incentivized for job creation to be diverted to residential use, which discourages uses concerned over NIMBY neighbors. County spent nearly $90 million on highway interchange/road widening for jobs, and has plenty of housing. Due process and unfunded mandate concerns. Opted out of tax exemption.

49

WEISS SEROTA
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Thank you.

Susan L. Trevarthen
slt@wsh-law.com

50

By Senator Gaetz

1-00179-26 202648__

A bill to be entitled

An act relating to housing; creating s. 83.471, F.S.; defining terms; authorizing a landlord to accept reusable tenant screening reports and require a specified statement; prohibiting a landlord from charging certain fees to an applicant using a reusable tenant screening report; providing construction; amending s. 163.31771, F.S.; defining the term "primary dwelling unit"; requiring, rather than authorizing, local governments to adopt, by a specified date, an ordinance to allow accessory dwelling units in certain areas; requiring that such ordinances apply prospectively; prohibiting the inclusion of certain requirements or prohibitions in such ordinances; deleting a requirement that an application for a building permit to construct an accessory dwelling unit include a certain affidavit; revising the accessory dwelling units that apply toward satisfying a certain component of a local government's comprehensive plan; prohibiting the denial of a homestead exemption for certain portions of property on a specified basis; requiring that a rented accessory dwelling unit be assessed separately from the homestead property and taxed according to its use; amending s. 420.615, F.S.; authorizing a local government to provide a density bonus incentive to landowners who make certain real property donations to assist in the provision of affordable housing for military families; requiring the Office of Program

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

Policy Analysis and Government Accountability to evaluate the efficacy of using mezzanine finance and the potential of tiny homes for specified purposes; requiring the office to consult with certain entities; requiring the office to submit a certain report to the Legislature by a specified date; providing an effective date.

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

Section 1. Section 83.471, Florida Statutes, is created to read:

83.471 Reusable tenant screening reports.—

(1) As used in this section, the term:

(a)1. "Consumer report" means any written, oral, or other communication of information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer's eligibility for credit or insurance to be used primarily for personal, family, or household purposes; employment purposes; or any other purpose authorized under 15 U.S.C. s. 1681b.

2. Except for the restrictions provided in 15 U.S.C. s. 1681a(d)(3), the term "consumer report" does not include:

a. Subject to 15 U.S.C. s. 1681s-3, any report containing information solely as to transactions or experiences between the consumer and the person making the report; communication of such

information among persons related by common ownership or affiliated by corporate control; or communication of other information among persons related by common ownership or affiliated by corporate control, if it is clearly and conspicuously disclosed to the consumer that the information may be communicated among such persons and the consumer is given the opportunity, before the time that the information is initially communicated, to direct that such information not be communicated among such persons;

b. Any authorization or approval of a specific extension of credit directly or indirectly by the issuer of a credit card or similar device;

c. Any report in which a person who has been requested by a third party to make a specific extension of credit directly or indirectly to a consumer conveys his or her decision with respect to such request if the third party advises the consumer of the name and address of the person to whom the request was made, and such person makes the disclosures to the consumer required under 15 U.S.C. s. 1681m; or

d. A communication described in 15 U.S.C. s. 1681a(o) or 15 U.S.C. s. 1681a(x).

(b) "Consumer reporting agency" means any person who, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and who uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

(c) "Reusable tenant screening report" means a report that:

1. Includes all of the following:

a. The applicant's full name.

b. The applicant's contact information, including mailing address, e-mail address, and telephone number.

c. Verification of the applicant's employment.

d. The applicant's last known address.

e. The results of an eviction history check in a manner and for a period of time consistent with applicable law related to the consideration of eviction history in housing.

f. The date through which the information contained in the report is current.

g. The applicant's consumer report.

2.a. Is prepared within the previous 30 days by a consumer reporting agency at the request and expense of an applicant.

b. Is made directly available to a landlord for use in the rental application process or is provided through a third-party website that regularly engages in the business of providing a reusable tenant screening report and complies with all state and federal laws pertaining to use and disclosure of information contained in a consumer report by a consumer reporting agency.

c. Is available to the landlord at no cost to access or use.

(2) A landlord may accept reusable tenant screening reports and may require an applicant to state that there has not been a material change to the information in the reusable tenant screening report.

(3) If an applicant provides a reusable tenant screening report to a landlord who accepts such reports, the landlord may

not charge the applicant a fee to access the report or an application screening fee.

(4) This section does not:

(a) Affect any other applicable law related to the consideration of criminal history information in housing, including, but not limited to, local ordinances governing the information that landlords may review and consider when determining to whom they will rent; or

(b) Require a landlord to accept reusable tenant screening reports.

Section 2. Subsections (3), (4), and (5) of section 163.31771, Florida Statutes, are amended, paragraph (h) is added to subsection (2) of that section, and a new subsection (5) is added to that section, to read:

163.31771 Accessory dwelling units.—

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

(h) "Primary dwelling unit" means the existing or proposed single-family dwelling on the property where a proposed accessory dwelling unit would be located.

(3) By December 1, 2026, a local government shall ~~may~~ adopt an ordinance to allow accessory dwelling units in any area zoned for single-family residential use. Such ordinance must apply prospectively to accessory dwelling units approved after the date the ordinance is adopted. Such ordinance may regulate the permitting, construction, and use of an accessory dwelling unit but may not do any of the following:

(a) Prohibit the renting or leasing of an accessory dwelling unit, except to prohibit the renting or leasing of an accessory dwelling unit approved after the effective date of the

ordinance for a term of less than 1 month, notwithstanding s. 509.032(7)(b).

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

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

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

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

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

(5) The owner of a property with an accessory dwelling unit may not be denied a homestead exemption for those portions of property on which the owner maintains a permanent residence solely on the basis of the property containing an accessory dwelling unit that is or may be rented to another person. However, if the accessory dwelling unit is rented to another person, the accessory dwelling unit must be assessed separately from the homestead property and taxed according to its use.

Section 3. Subsection (1) of section 420.615, Florida Statutes, is amended to read:

420.615 Affordable housing land donation density bonus incentives.—

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

Section 4. The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall evaluate the efficacy of using mezzanine finance, or second-position short-term debt, to stimulate the construction of owner-occupied housing that is affordable as defined in s. 420.0004(3), Florida Statutes, in this state. OPPAGA shall also evaluate the potential of tiny homes in meeting the need for affordable housing in this state. OPPAGA shall consult with the Florida Housing Finance Corporation and the Shimberg Center for Housing Studies at the University of Florida in conducting its evaluation. By December 31, 2027, OPPAGA shall submit a report of its findings to the President of the Senate and the Speaker of the House of Representatives. Such report must include recommendations for the structuring of a model mezzanine finance program.

Section 5. This act shall take effect July 1, 2026.

WEATHER ALERT 2 flood warnings in effect for Lake and Volusia Counties

FLORIDA

Could this new bill help Florida's affordable housing crisis?

SB 48 would require local governments to allow 'Granny Flats'

Anthony Talcott, Digital Journalist

Published: **September 16, 2025 at 5:00 AM**

Tags: **Florida, Politics, Housing, Money, Florida Legislature, Tallahassee, Government**

Generic home (Image courtesy of paulbr75 via Pixabay) (paulbr75 via Pixabay)

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TALLAHASSEE, Fla. – With housing costs in Florida **remaining sky-high for many**, one Florida lawmaker has a proposal to potentially bring some of those prices down: Granny Flats.

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The issue has been especially prevalent in recent years, with **millions of new residents flocking to the Sunshine State** massively increasing the demand for housing.

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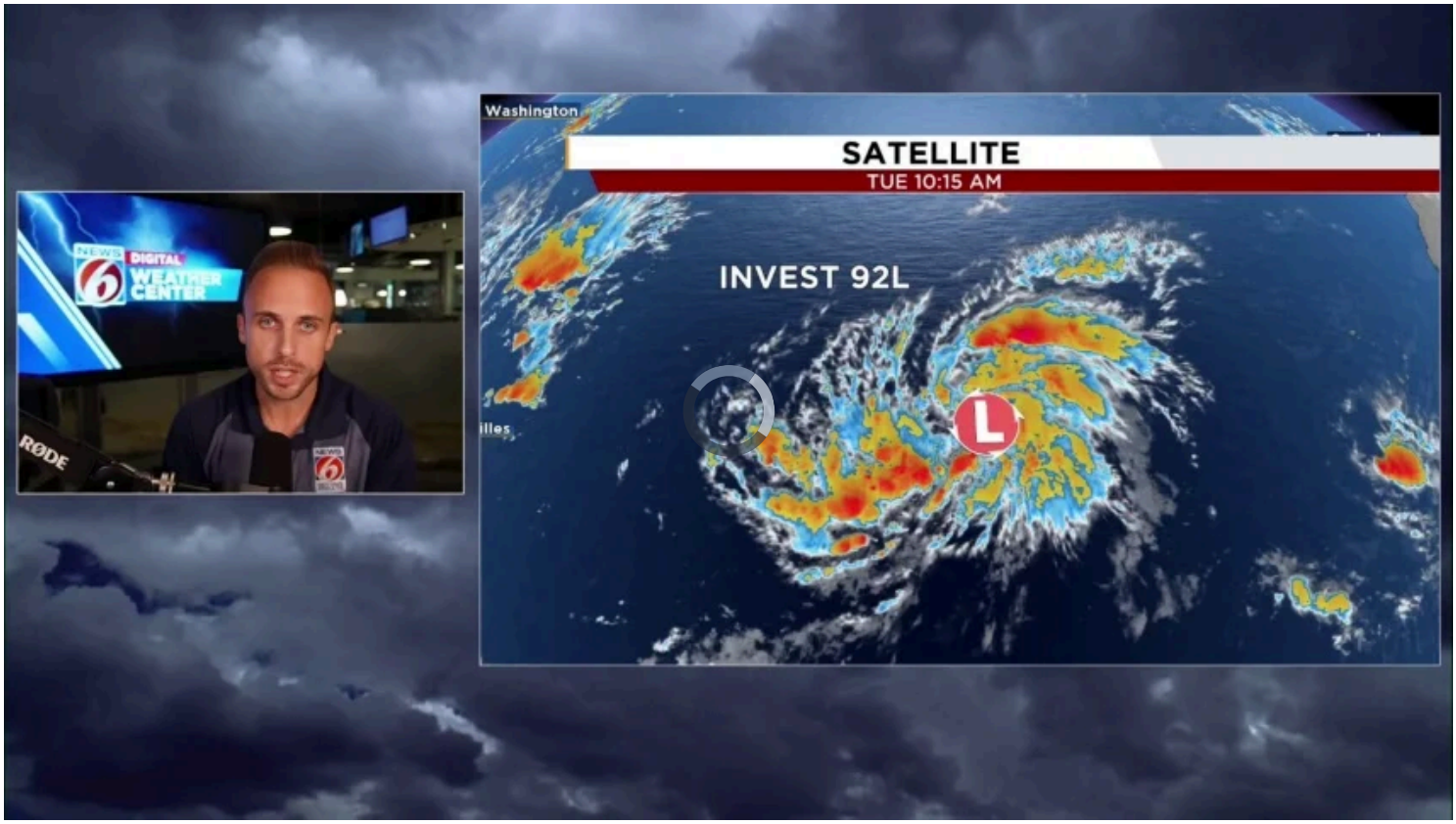

To better meet that demand, state Sen. Don Gaetz (R-1) filed a bill on Monday (**SB 48**) that would give homeowners the ability to lease out smaller portions of their homes, like attics, sheds and garages.

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Under **current laws**, local governments can choose to allow these accessory dwelling units (ADUs) — often dubbed "Granny Flats" — which are essentially add-ons to existing homes or properties that act as their own

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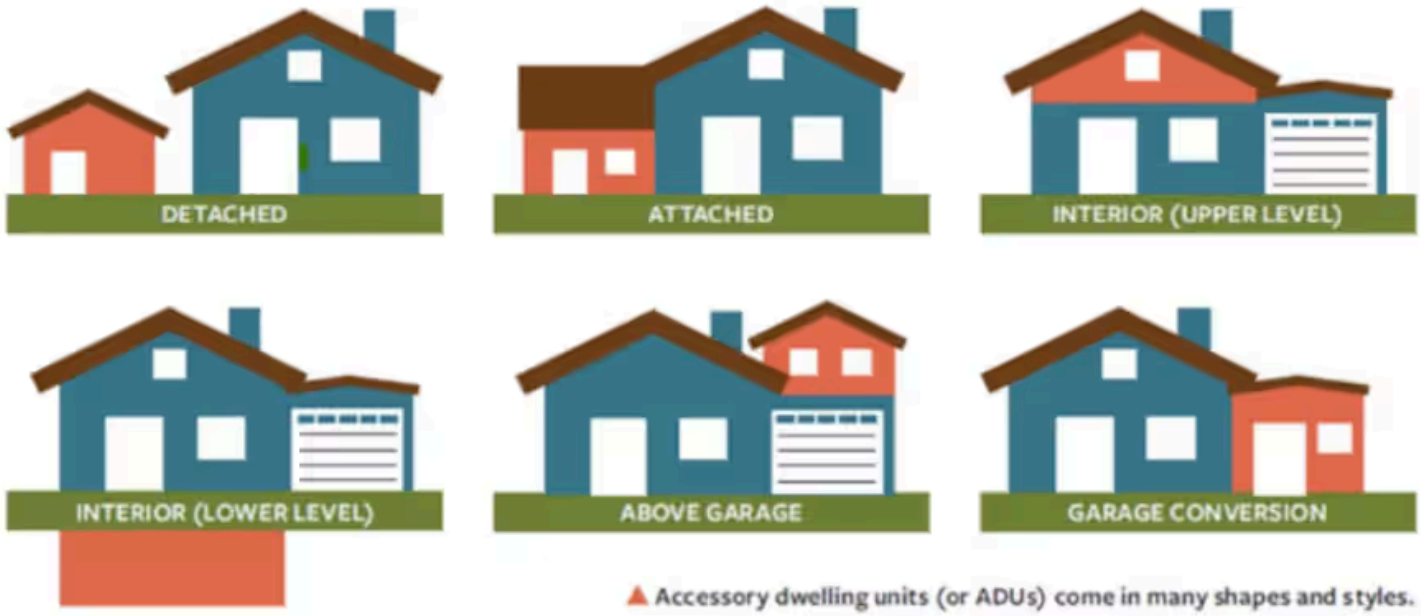
State law defines ADUs as having their own kitchen, bathroom and sleeping areas separate from the primary home on the property. They can include the following formats:

- **Interior ADUs**: Examples include converted portions of homes, like the basement or upper level of a home
- **Attached ADUs**: Examples include additions connected to a new or existing home, like an apartment in a basement or over a garage
- **Detached ADUs**: Examples include a separate structure from the primary home, like a converted shed, garage or mobile home



Source: AARP, ADUs Come in Many Shapes and Sizes[20]

Diagram included in the Legislative analysis for SB 184 (2025) (AARP)

However, Gaetz's bill would instead *require* local governments to allow these ADUs, which proponents argue would increase the available supply of affordable housing in the state.

"ADUs increase workforce housing because ADUs cost less to build. They cost less to rent," Gaetz said during **a committee meeting** back in March. "And they're often located in urban areas where workers need to live in order to be close to their jobs."

Furthermore, the bill would prohibit local governments from requiring more parking spaces to allow ADUs, nor could they require that homeowners actually live at the property to rent out an ADU.

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Gaetz **filed a similar bill** for the Legislative session earlier this year, though that proposal ultimately died.

[RELATED: Here's what's driving Florida's affordable housing crisis]

A **Legislative analysis** of that bill showed that out of all Florida's counties, only 16 haven't addressed any ADUs in their land development codes. And of the 15 most populous cities in Florida, 11 of them explicitly allow ADUs in single-family districts.

Housing experts like UCF's Dr. Owen Beitsch have claimed that an increase in ADUs would lower housing costs for low-income workers and detract from the influence that larger developers have over the cost of housing.

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By allowing the owner of a single-family home to use a smaller portion of the property as an additional unit, Beitsch argued, more homes could be made in Florida, driving down prices and making the housing market somewhat more affordable.

"Suddenly, if we think of these individual property owners as potential developers, we have vastly improved the opportunities for multiple persons to deliver housing to the market without the constraints of relying on large developers," he told News 6 **back in 2023**.

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Regardless, this latest bill will still need to be approved in the upcoming Legislative session, which starts in January 2026.

If SB 48 manages to pass and gets the governor's signature, though, it's slated to take effect on July 1, 2026.

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FLORIDA

Florida Legislature considers ‘granny flats' amid housing problems

Granny flats are independent living spaces added to homes or properties. Current law says local governments can allow granny flats, but the new legislation would require them to do so.

By News Service of Florida • Published March 16, 2025 • Updated on March 16, 2025 at 7:58 am

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TALLAHASSEE — As Florida continues to struggle with a lack of affordable housing, lawmakers are looking at “granny flats” to help address the problem.

Senate and House panels last week approved bills (SB 184 and HB 247) that would require cities and counties to allow adding what are technically known as accessory dwelling units — but are often known as granny flats — in single-family residential areas.

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Granny flats are independent living spaces added to homes or properties. Current law says local governments can allow granny flats, but the new legislation would require them to do so.

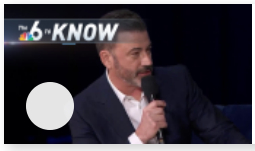
“ADUs (accessory dwelling units) increase workforce housing because ADUs cost less to build, they cost less to rent and they’re often located in urban areas where workers need to live in order to be close to their jobs,” Senate sponsor Don Gaetz, R-Niceville, said before the Senate Transportation, Tourism and Economic Development Appropriations Committee unanimously approved the Senate bill.

Hours later, the House Housing, Agriculture & Tourism Subcommittee voted 15-2 to approve the House version, filed by Rep. Bill Conerly, R-Lakewood Ranch.

Lawmakers in 2023 passed a wide-ranging measure, dubbed the “Live Local Act,” aimed at expanding workforce housing in the state. That measure was a top priority of then-Senate President Kathleen Passidomo, R-Naples.

Gaetz, also a former Senate president, said that his bill “takes another step.” A Senate staff analysis, citing a Florida Housing Coalition study, said accessory dwelling units are already allowed in 11 of the 15 cities with the highest populations in the state.

Local



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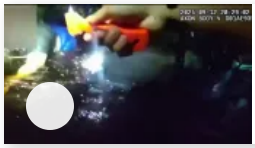

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The bills drew support from groups as diverse as AARP, the Florida Chamber of Commerce and Americans for Prosperity.

Gaetz said residents could not lose their homestead property exemptions if they add granny flats — though the granny flats would also face property taxes. The requirement for allowing the units would not apply to planned unit developments or master planned communities, which, for example, can include restrictions applied to an entire development rather than to individual homes.

Gaetz made a change that he said would help prevent use of granny flats as short-term vacation rentals. The change would prevent the units from being leased for less than a month.

Sen. Carlos Guillermo Smith, D-Orlando, said he was initially concerned about “potential mischief” related to vacation rentals. But he said the change largely addressed that concern.

House members, meanwhile, raised questions about issues such as the use of the units for short-term rentals and about possible effects on parking.

More broadly, Smith said the bill could help address affordable-housing problems.

“We have a real affordable housing crisis in the state of Florida, and a big part of that crisis has everything to do with supply, or lack of supply,” Smith said. “Bringing in these ADUs to help add to the housing supply is a great idea that should be encouraged.”

Gaetz’ bill must clear the Senate Rules Committee before it could go to the full Senate.

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1. Florida Flourishes Through Starter Homes Act

A bill to be entitled

An act relating to lot size and dwelling flexibilities with respect to local governments; creating 163.3254, F.S.; establishing guidelines for the implementation of minimum lot size, lot split flexibility, and dwelling flexibility requirements by local governments; providing definitions; providing exceptions; providing a short title; providing an effective date.

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

Section 1. This act may be cited as the "Florida Flourishes Through Starter Homes Act."

Section 2. Section 163.3254, Florida Statutes, is created to read:

163.3254 Lot size and dwelling flexibilities; local governments.

(1) The Legislature finds that the median price of homes in this state has increased steadily over the last decade, rising at a greater rate of increase than the median income in the state. The Legislature finds that the cost of home ownership or renting often exceeds an amount that is attainable for residents of the state. Article 1, Section 2 (Basic Rights) of the Florida Constitution states: "All natural persons, female and male alike, are equal before the law and have inalienable rights, among which are the right to enjoy and defend life and liberty, to pursue happiness, to be rewarded for industry, and to acquire, possess and protect property." The Legislature finds that any regulation, ordinance, resolution, rule, development order, or other policy requires a relationship to public safety, health, or reasonable enjoyments and expectations of property. The Legislature finds that there is currently a housing shortage that constitutes a threat to the health, safety, and welfare of the residents of the state, and that this shortage is caused to a significant extent by burdensome land development regulations and zoning regulations enacted by local governments that do not have a relationship to public safety, health, or reasonable enjoyments and expectations of property. The Legislature finds that these burdensome land development regulations and zoning regulations enacted by local governments lack flexibility due in part to large minimum lot size requirements, which inhibit the construction of starter homes on small residential lots. The Legislature also finds that these burdensome land development regulations and zoning regulations enacted by local governments lack flexibility due in part to restrictions on the types of single-family dwellings allowed on residential lots, including the prohibition of duplexes, triplexes, quadplexes, and accessory dwelling units (ADUs). The Legislature finds that increasing the supply of housing will help address the housing shortage and make homeownership and renting more attainable for residents of the state. Therefore, the Legislature finds that the flexibilities of decreasing

minimum lot sizes, and allowing more types of single-family dwellings on residential lots, serve important public purposes by enabling starter homes on small residential lots and allowing more single-family dwellings on residential lots, which will increase the supply of housing and make home ownership and renting more attainable for residents of the state.

(2) For the purpose of this section, the term:

(a) "Local government" means a county, municipality, or any other governmental entity with authority over land development and zoning regulations.

(b) "Housing organization" means a trade or industry group engaged in the construction or management of housing units, or a nonprofit organization whose mission includes providing or advocating for increased access to housing for extremely-low-income, very-low-income, low-income, or moderate-income persons, as defined in s. 420.0004, F.S.

(c) "Population" of a county shall be equivalent to the highest value among the following three population estimates for that county: the most recent 1-year American Community Survey, the most recent 5-year American Community Survey, and the most recent decennial United States Census.

(d) "Single-family dwelling" means a single-family detached (SFD) home, single-family attached (SFA) home, duplex, triplex, quadplex, townhome, townhouse, row house, or accessory dwelling unit (ADU), together with the curtilage thereof.

(e) "Residential lot" refers to any lot that is zoned for residential use, or any lot on which, whether in part or in whole, single-family dwellings are an existing or lawful use. For the purpose of this section, residential lots must be located outside of areas of critical state concern, as defined in ss. 380.055, 380.0551, 380.0552, 380.0553, and 380.0555, Florida Statutes.

(f) "Parent parcel" means the original parcel from which subsequent lots are created.

(g) "Prohibited from requiring" means prohibited from adopting, promoting, enforcing, or otherwise applying any regulation, ordinance, resolution, rule, development order, government action, or other policy that mandates, compels, or otherwise requires compliance with the specified conditions.

(h) "Lot split" means the division of one parent parcel into no more than four lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land.

(i) "Subdivision" means the division of land into five or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land; and includes establishment of new streets and alleys, additions, and resubdivisions; and, when appropriate to the context, relates to the process of subdividing or to the lands or area subdivided.

(j) "Development" means the carrying out of any building activity or the making of any material change in the use or appearance of any structure or land.

(k) "Public transportation stop" means a stop or station for any commuter rail service, intercity rail transportation system, fixed-guideway transportation system, or public

transit service on a fixed route with service headways of thirty minutes or less at peak periods, except for airport people movers.

(3) For residential lots that are connected to a public water system and a public sewer system, or as part of a subdivision plan, will be connected to a public water system and a public sewer system, counties with a population of two hundred and fifty thousand (250,000) or greater, and all municipalities within such counties, are prohibited from requiring:

1. Any regulation, ordinance, resolution, rule, development order, government action, or other policy that does not have a relationship to public safety, health, or reasonable enjoyments and expectations of property.
   (a) A minimum lot size of greater than 1,200 square feet for existing lots and lots created by a lot split or subdivision.
   (b) Fewer than one single-family dwelling per lot, exclusive of any ADUs.
   (c) Fewer than one ADU per lot.
   (d) A definition of single-family dwelling that does not include SFD homes, SFA homes, duplexes, triplexes, quadplexes, townhomes, townhouses, and ADUs.
   (e) Setbacks more than 20 feet from the front and rear lot lines.
   (f) Minimum side setbacks.
   (g) More than 30 percent of lot area be reserved for open space or permeable surface.
   (h) A maximum building height of less than three stories or thirty-five feet above the FEMA base flood elevation.
   (i) A maximum floor area ratio (FAR) of less than 3.
   (j) Any individual dimension of a lot, including its width, to exceed 20 feet, provided that the lot meets the relevant minimum lot size requirement.
   (k) The property owner to occupy the property.
   (l) A minimum single-family dwelling size that is greater than what is required by Section 1208 of the Florida Building Code and Section R304 of the Florida Residential Code.
   (m) A minimum number of parking spaces greater than one for lots that are 3,500 square feet or less. Local governments are prohibited from requiring any minimum number of parking spaces for lots that are within one half (½) mile of a public transportation stop.
   (n) Lots created by a lot split or a subdivision to front or abut a public right of way. Local governments shall allow lots and single-family dwellings to front a shared driveway, alley, or common open space such as courtyards and pocket parks. Local governments are prohibited from requiring a front setback for lots and single-family dwellings that front a shared driveway, alley, or common open space such as courtyards and pocket parks.
   (o) A maximum residential density, usually measured in single-family dwellings per acre, that is more restrictive than the components of this subsection (3).

(4) For residential lots that are connected to a public water system and a public sewer system, local governments are prohibited from requiring any criteria to be approved for a lot split or to apply for a lot split, except the following criteria that local governments may require:

(a) Compliance with the local government's land development and zoning regulations. On the parent parcel of a lot split, or on any lot created by a lot split, local governments are prohibited from requiring land development or zoning regulations that differ from the land development or zoning regulations that would be required if the lot were not the parent parcel of a lot split, or if the lot had not been created by a lot split, respectively.

(b) Provision of relevant documentation and a fee no greater than required to cover the cost for the local government to review this documentation. No other fee shall be required to apply for a lot split or be approved for a lot split.

(c) The parent parcel was not created by a lot split or subdivision during the prior two years, or during a shorter period of time that the local government determines, such as one year.

(5) Proposed lot splits, subdivisions, and the development of single-family dwellings that meet the requirements established by a local government's land development regulations shall be approved administratively by the local government, and the local government is prohibited from requiring any further action by the governing body of the local government or by any quasi-judicial or administrative board or reviewing body.

(6) Proposed developments that satisfy the conditions to receive a bonus for height, density, or floor area ratio, pursuant to a regulation or ordinance of a local government, shall be approved administratively for the bonus by the local government, and the local government is prohibited from requiring any further action by the governing body of the local government or by any quasi-judicial or administrative board or reviewing body.

(7) For residential lots in historic districts, and residential lots that occupy or are occupied by historic properties, such as those addressed by sections 196.1961, 196.1997, 196.1998, and 267.021, Florida Statutes, local governments shall not prohibit a lot split, subdivision, or the development of single-family dwellings, unless the lot split, subdivision, or development of a single-family dwelling would require the demolition or alteration of a protected historic structure that is individually listed in the National Register of Historic Places as defined in s. 267.021 or is a contributing resource to a National Register-listed district.

(8) This section shall not be construed to prohibit the enforcement of:

(a) Home Owner Association (HOA) rules established prior to January 1st, 2025, such as those addressed by Chapters 718, 719, and 720, Florida Statutes.

(b) Deed restrictions established prior to January 1st, 2025, such as those addressed by section 712.01, Florida Statutes.

(9) Private right of action:

A person or a housing organization adversely affected or aggrieved by a local government's violation of this section may bring an action against the local government or an officer or employee of the local government in the officer's or employee's official capacity for relief.

(a) The immunity of a local government and its officers and employees to suit and from liability is waived to the extent of liability created by this section.

(b) A claimant must bring an action under this section in a county in which the real property that is the subject of the action is wholly or partly located.

(c) This action shall utilize the process outlined in subsection 8(a) of section 163.3215, F.S., concerning the summary procedure and the advancement of the cause on the calendar.

(d) In an action brought under this section, a court may:

1. Enter a declaratory judgment under Chapter 86, F.S.; and
2. Issue a writ of mandamus compelling a defendant officer or employee to comply with this section; and
3. Issue an injunction preventing the defendant from violating this section.

(e) A court shall award reasonable attorney's fees and court costs incurred in bringing an action under this section to a prevailing claimant. The claimant may not recover exemplary damages in the action.

Section 3. This act shall take effect July 1st, 2026.

2. Housing Florida's Families Act

A bill to be entitled

An act relating to the Florida Building Code, Florida Fire Prevention Code, and the Florida Building Commission; amending section 553.73, F.S.; amending section 553.74, F.S.; requiring that the Florida Building Commission shall include a fiscal impact statement meeting certain criteria when modifying the Florida Building Code; directing the State Fire Marshal and Florida Building Commission to alter requirements under the Florida Building Code and Florida Fire Prevention Code with regard to means of egress for certain types of multifamily housing; expanding the composition of the Florida Building Commission; providing a short title; providing an effective date.

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

Section 1. This act may be cited as the "Housing Florida's Families Act."

Section 2. The Legislature finds that the median price of homes in the state has increased steadily over the last decade and at a greater rate of increase than the median income. The Legislature finds that the cost of housing construction in the state has also increased steadily, which has created a critical housing shortage and caused the cost of homeownership and renting to often exceed an amount that is attainable to residents of the state. The Legislature finds that newer housing that is compliant with updated safety codes is safer for residents of the state than older structures that are not compliant with updated codes. The Legislature finds that there is a critical shortage of newer housing, which often causes residents of the state to live in older structures that are not compliant with updated codes, and therefore makes residents of the state less safe. The Legislature finds that the critical housing shortage and the critical shortage of newer housing constitute threats to the health, safety, and welfare of the residents of the state. Additionally, the Legislature finds that building code requirements for the number of means of egress, amongst other building code requirements, are unnecessarily restrictive, and that these building code requirements raise construction costs for new multifamily housing and constrict the construction of new multifamily housing on smaller lots. The Legislature finds that the critical housing shortage and the critical shortage of newer housing are caused to a significant extent by these building code requirements. The Legislature finds that increasing the supply of housing will help address the critical housing shortage and therefore make homeownership and renting more attainable to the residents of the state. The Legislature finds that increasing the supply of newer housing will help address the shortage of newer housing and therefore cause more residents of the state to live in safer housing. Therefore, the Legislature finds that altering building code requirements for the number of means of egress for multifamily housing, and requiring the building code commission to consider the fiscal impact of proposed amendments, serve important public purposes by decreasing the cost of housing construction and increasing

the housing supply and the supply of newer housing, which will make home ownership and renting more attainable for residents of the state, and will make residents of the state more safe.

Section 3. Paragraph (a) of subsection (7) of section 553.73, Florida Statutes, is amended to read:

7 (a) The commission shall adopt an updated Florida Building Code every 3 years through review of the most current updates of the International Building Code, the International Fuel Gas Code, the International Existing Building Code, the International Mechanical Code, the International Plumbing Code, and the International Residential Code, all of which are copyrighted and published by the International Code Council, and the National Electrical Code, which is copyrighted and published by the National Fire Protection Association. At a minimum, the commission shall adopt any updates to such codes or any other code necessary to maintain eligibility for federal funding and discounts from the National Flood Insurance Program, the Federal Emergency Management Agency, and the United States Department of Housing and Urban Development. The commission shall also review and adopt updates based on the International Energy Conservation Code (IECC); however, the commission shall maintain the efficiencies of the Florida Energy Efficiency Code for Building Construction adopted and amended pursuant to s. 553.901. Every 3 years, the commission may approve updates to the Florida Building Code without a finding that the updates are needed in order to accommodate the specific needs of this state. The commission shall adopt updated codes by rule. Proposed updates shall include a fiscal impact statement that documents the costs and benefits of the proposed update. Criteria for the fiscal impact statement shall be established by rule by the commission and shall include the impact on local government relative to enforcement, the impact on property and building owners, the impact on industry relative to the cost of compliance, the impact on the cost to rent a housing unit and the cost to purchase a housing unit for residents of the state, and the impact on residents of the state who are living in older housing that is not compliant with updated safety standards due to lack of newer supply.

Section 4. Subsection (21) of section 553.73, Florida Statutes, is created to read:

(21) (a) Within six months of the effective date of this act, the Florida Building Commission and the State Fire Marshal shall update the Florida Building Code and the Florida Fire Prevention Code, respectively, to allow for buildings classified under R-2 occupancy in the Florida Building Code, and Apartments under the Florida Fire Prevention Code, that are four stories above grade to be constructed with a single means of egress in accordance with the National Fire Protection Association Life Safety Code NFPA 101 Section 30.2.4.6.

(b) Within six months of the effective date of this act, the Florida Building Commission and the State Fire Marshal shall update the Florida Building Code and the Florida Fire Prevention Code, respectively, to allow for buildings classified under R-2 occupancy in the Florida Building Code that are more than four stories above grade and are not classified as high-rise to utilize a single means of egress provided the following conditions are met:

1. There is a maximum of four dwelling units per story.
2. There is a maximum distance of 20 feet of travel to the exit stairway from the entry/exit door of any dwelling unit.
3. Travel distance measured in accordance with section 1017 of the Florida Building Code does not exceed 125 feet.
4. The building is constructed of Type I, Type II-A, Type III(a), Type IV, or Type V(a) construction materials and is equipped with an automatic sprinkler system in compliance with chapter 903.3.1 of the Florida Building Code.
5. There are no openings within 10 feet of unprotected openings into the stairway, other than required exit doors having a one-hour fire resistance rating.
6. Other occupancies within the building do not have access to the R-2 occupancy portion of the building or with the single-exit stairway.
7. A corridor shall separate each dwelling unit entry/exit door from the door to an interior exit stairway, including any related exit passageway, on each floor.
8. Dwelling unit doors shall not open directly into an exterior exit stairway.
9. Dwelling unit doors are permitted to open directly into an exterior stairway.
10. The interior exit stairway, including any related exit passageway, shall be pressurized in accordance with section 909.20 of the Florida Building Code. Doors in the stairway shall swing into the interior exit stairway regardless of the occupant load served, provided that doors from the interior exit stairway to the building exterior are permitted to swing in the direction of travel.
11. The building has an emergency escape and rescue opening (EERO) on every floor in accordance with the International Building Code.

(c) If the Florida Building Commission and State Fire Marshal determine that it is feasible for R-2 buildings taller than the minimum high-rise classification, or with more than four dwelling units per story, or both, to utilize a single means of egress, then paragraph 21(b) shall extend to such feasible heights and dwelling units per story. If the International Building Code published by the International Codes Council or the National Fire Protection Association Code is amended to allow heights greater than four stories above grade with a single egress and without one or more of the conditions listed in in paragraph 21(b), then the Florida Building Commission and State Fire Marshal shall adopt an amendment in the next update of the Florida Building Code and Florida Fire Prevention Code that removes such conditions, which shall render such conditions in paragraph 21(b) null and void.

(d) Within six months following the effective date of this act, the Florida Building Commission and the State Fire Marshal shall update the Florida Building Code and the Florida Fire Prevention Code, respectively, to allow interlocking or scissor stairs to count as two means of egress for buildings classified under R-2 occupancy should the following conditions be met:

a. The contiguous stairways within the shaft are separated from each other by a smoke-tight fire separation with a minimum 2-hour fire rating, and constructed of Type I or II materials.
b. The dead-end corridor length is a maximum of 25 feet.

Section 5. New paragraphs (r) and (s) are added to subsection (1) of section 553.74, Florida States, and the lead-in language of that subsection is amended, to read:

(1) The Florida Building Commission is created and located within the Department of Business and Professional Regulation for administrative purposes. Members are appointed by the Governor subject to confirmation by the Senate. The commission is composed of ~~19~~ 21 members, consisting of the following members:

(r) One member who is an economist specializing in building construction costs and supply constraints in the housing market. The Florida Homebuilders Association is encouraged to recommend a list of candidates for consideration.

(s) One member who represents a developer of market-rate multifamily housing. The Florida Homebuilders Association is encouraged to recommend a list of candidates for consideration.

Section 6. This act shall take effect July 1, 2026.

3. Transit Oriented Development Act

A bill to be entitled

An act relating to local government land use authority; creating 163.3257, F.S.; amending s. 125.01055, F.S.; amending s. 166.04151, F.S.; establishing guidelines for the implementation of land use authority of local governments near public transit; providing definitions; providing a short title; providing an effective date.

Be it enacted by the Legislature of the State of Florida:

Section 1. This act may be cited as the "Transit-Oriented Development Act" or "TOD Act."

Section 2. As used in this act, the term:

(1) "Local government" means a county, municipality, or other governmental entity with authority over land use.

(2) "Housing organization" means a trade or industry group engaged in the construction or management of housing units, or a nonprofit organization whose mission includes providing or advocating for increased access to housing for extremely-low-income, very-low-income, low-income, or moderate-income persons, as defined in s. 420.0004, F.S.

(3) "Adjacent to" means that two lots share more than one point of a property line, and does not include lots separated by a public road.

(4) "A lot that is adjacent to single-family dwellings" means a lot is adjacent to, on two or more sides, a lot that is one of at least 25 contiguous lots, and all such contiguous lots contain single-family dwellings.

(5) "Public transit" is as defined in section 341.031, Florida Statutes.

(6) "Public transit provider" is as defined in section 341.031, Florida Statutes.

(7) "Commuter rail service" is as defined in section 341.301, Florida Statutes.

(8) "Intercity rail transportation system" is as defined in section 341.301, Florida Statutes.

(9) "Fixed-guideway transportation system" is as defined in section 341.031, Florida Statutes.

(10) "Prohibited from requiring" means prohibited from adopting, promoting, enforcing, or otherwise applying any regulation, ordinance, resolution, rule, development order, government action, or other policy that mandates, compels, or otherwise requires compliance with the specified conditions.

Section 3. Section 163.3257, Florida Statutes, is created to read:

(1) The Legislature finds that the median price of homes in the state has increased steadily over the last decade, rising at a greater rate of increase than the median income of residents in the state. The Legislature finds that there is currently a housing shortage in the state that has caused the cost of homeownership and renting to often exceed an amount that is attainable for residents of the state. The Legislature finds that there is chronic traffic congestion on roadways in the state due to new residents moving to the state, and this chronic traffic congestion constrains economic activity across the state. The Legislature finds that the housing shortage and chronic traffic congestion in the state constitute threats to the health, safety, and welfare of the residents of the state, and that this housing shortage and chronic traffic congestion are caused to a significant extent by burdensome land development regulations and zoning regulations enacted by local governments that lack flexibility due in part to inhibiting the construction of housing near transportation infrastructure. The Legislature finds that the construction of housing near transportation infrastructure, such as railways and rapid transit facilities, will reduce the chronic traffic congestion on our roadways and will increase the utility of state and local investments in transportation infrastructure. The Legislature also finds that the construction of housing near transportation infrastructure will increase the supply of housing, which will help address the housing shortage and make home ownership and renting more attainable for the residents of the state. Therefore, the Legislature finds that the flexibility of allowing more construction of housing near transportation infrastructure by reducing burdensome land development regulations and zoning regulations enacted by local governments serves an important public purpose by increasing the supply of housing, which will help address the housing shortage and help reduce the chronic traffic congestion in the state, making home ownership and renting more attainable for residents of the state and increasing economic activity across the state.

(3) Local governments are required to establish the following "transit-oriented development zones" or "TOD zones" in their comprehensive plan, land development regulations, and zoning regulations:

(a) A "Tier 1 TOD zone" shall be the area within a one-half mile (1/4 mile) radius of any stop or station for any "commuter rail service," "intercity rail transportation system," or "fixed-guideway transportation system," except for airport people movers. A Tier 1 TOD zone supersedes a Tier 2 TOD zone for the same lot. For lots that are partly or fully within a Tier 1 TOD zone, local governments are prohibited from requiring:

1. A maximum building height below one hundred eighty (180) feet or fifteen stories, whichever is higher. Local governments may institute a maximum building height that is no less than ten stories or 115 feet for a lot that is adjacent to single-family dwellings.

2. A maximum floor area ratio for residential use below twelve. Local governments may institute a maximum floor area ratio for residential use that is no less than eight for a lot that is adjacent to single-family dwellings.
3. A maximum floor area ratio for nonresidential use below six. Local governments may institute a maximum floor area ratio for nonresidential use that is no less than four for a lot that is adjacent to single-family dwellings.
4. A maximum residential density, normally measured in residential units per acre.
5. A setback requirement, unless in exchange for a development incentive.
6. A maximum lot coverage of less than ninety percent.
7. A minimum number of parking spaces for any use.
8. A minimum dwelling unit size that is greater than what is required by Section 1208 of the Florida Building Code and Section R304 of the Florida Residential Code.

(b) A "Tier 2 TOD zone" shall be the area between a one-quarter mile (1/4 mile) radius and a one-half mile (1/2 mile) radius of any stop or station for any "commuter rail service," "intercity rail transportation system," or "fixed-guideway transportation system," except for airport people movers. For lots that are partly or fully within a Tier 2 TOD zone, local governments are prohibited from requiring:

1. A maximum building height below eight stories or forty-five feet, whichever is higher. Local governments may institute a maximum building height that is no less than four stories or 45 feet for a lot that is adjacent to single-family dwellings.
2. A maximum floor area ratio for residential use below six. Local governments may institute a maximum floor area ratio for residential use that is no less than three for a lot that is adjacent to single-family dwellings.
3. A maximum floor area ratio for nonresidential use below three. Local governments may institute a maximum floor area ratio for nonresidential use that is no less than two for a lot that is adjacent to single-family dwellings.
4. A maximum residential density, normally measured in residential units per acre.
5. A setback requirement, unless in exchange for a development incentive.
6. A maximum lot coverage of less than seventy percent.
7. A minimum number of parking spaces for any use.

8. A minimum dwelling unit size that is greater than what is required by Section 1208 of the Florida Building Code and Section R304 of the Florida Residential Code.

(4) Local governments shall establish transit-oriented development zones based on stops and stations within their jurisdiction as of January 1, 2026. Local governments shall establish additional transit-oriented development zones according to subsection (3) for each new stop or station that is opened for public use after January 1, 2026. Local governments shall not eliminate or scale back any transit-oriented development zones, regardless of whether or not a stop or station closes after January 1, 2026.

(5) Local governments shall create a list of permitted nonresidential uses for each transit-oriented development zone that the local government establishes.

(6) Proposed developments of structures that meet the requirements established by a local government's land development regulations shall be approved administratively by the local government, and the local government is prohibited from requiring any further action by the governing body of the local government or by any quasi-judicial or administrative board or reviewing body.

(7) Proposed developments that satisfy the conditions to receive a bonus for height, density, or floor area ratio, pursuant to a regulation or ordinance of a local government, shall be approved administratively for the bonus by the local government, and the local government is prohibited from requiring any further action by the governing body of the local government or by any quasi-judicial or administrative board or reviewing body.

(8) "Public transit providers" are encouraged to develop the properties they own within Tier 1 and Tier 2 TOD zones, including stations, stops, and parking facilities. Net proceeds from such development shall be kept in the transit agency's funds for operations, maintenance, and capital improvements. If another public agency, such as the Florida Department of Transportation or a local government, own a plot of land constituting more than five acres within one thousand feet of a station qualifying for the "Tier 1 TOD zone," such as park-and-ride facilities, they too are encouraged to develop their properties with a portion of the net proceeds transferred to the Public transit provider's fund for operations, maintenance, and capital improvements.

(9) For residential lots in historic districts, and residential lots that occupy or are occupied by historic properties, such as those addressed by sections 196.1961, 196.1997, 196.1998, and 267.021, Florida Statutes, local governments shall not prohibit the development of new structures, unless the development would require the demolition or alteration of a

protected historic structure that is individually listed in the National Register of Historic Places as defined in s. 267.021, is a contributing resource to a National Register-listed district, or is located in a historic district that was established through a local preservation ordinance prior to January 1st, 2000.

(10) Private right of action:
A person or a housing organization adversely affected or aggrieved by a local government's violation of this section may bring an action against the local government or an officer or employee of the local government in the officer's or employee's official capacity for relief.
(a) The immunity of a local government and its officers and employees to suit and from liability is waived to the extent of liability created by this section.
(b) A claimant must bring an action under this section in a county in which the real property that is the subject of the action is wholly or partly located.
(c) This action shall utilize the process outlined in subsection 8(a) of section 163.3215, F.S., concerning the summary procedure and the advancement of the cause on the calendar.
(d) In an action brought under this section, a court may:
1. Enter a declaratory judgment under Chapter 86, F.S.; and
2. Issue a writ of mandamus compelling a defendant officer or employee to comply with this section; and
3. Issue an injunction preventing the defendant from violating this section.
(e) A court shall award reasonable attorney's fees and court costs incurred in bringing an action under this section to a prevailing claimant. The claimant may not recover exemplary damages in the action.

Section 4. Subsection 7(a) of section 125.01055, Florida Statutes, is amended to read:
(7) (a) A county must authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use, ~~and~~ in portions of any flexibly zoned area such as a planned unit development permitted for commercial, industrial, or mixed use, and on any parcel within a one-half mile (1/2 mile) of any stop or station for any "commuter rail service," "intercity rail transportation system," or "fixed-guideway transportation system," except for airport people movers, if at least 40 percent of the residential units in a proposed multifamily development are rental units that for a period of at least 30 years, are affordable as defined in s. 420.0004.

Section 5. Subsection 7(a) of section 166.04151, Florida Statutes, is amended to read:

(7) (a) A municipality must authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use, ~~and~~ in portions of any

flexibly zoned area such as a planned unit development permitted for commercial, industrial, or mixed use, and on any parcel within a one-half mile (1/2 mile) of any stop or station for any "commuter rail service," "intercity rail transportation system," or "fixed-guideway transportation system," except for airport people movers, if at least 40 percent of the residential units in a proposed multifamily development are rental units that for a period of at least 30 years, are affordable as defined in s. 420.0004.

Section 6. This act shall take effect July 1, 2026.

Sadowski Housing Coalition 2026 Legislative Objectives

Objectives:

1. **Full Funding of the Sadowski Housing Trust Funds** which include SHIP and SAIL from the dedicated revenue in the State and Local Housing Trust Funds.

2. **Appropriate $150 million of non-recurring general revenue for the Live Local Act SAIL Program**.

3. **Increase Hometown Heroes funding to $100 million from non-recurring general revenue**.

Strategies:

1. **Engage city and county elected officials** to include full funding of the Sadowski SHIP and SAIL Trust Funds as a top legislative priority for the 2026 session.

2. **Emphasize the importance of sustained housing investment**.
   Utilize www.sadowskicoalition.org website for important points of information.

3. **Promote attendance at Legislative Delegation meetings** to raise awareness and support for Affordable Housing initiatives.

How are Florida's housing programs funded?

1. The Sadowski Act, which passed in 1992, increased the doc stamp tax paid on all real estate transactions and placed these monies in dedicated state and local housing trust funds. The highest priority of the Sadowski Coalition is to retain this dedicated revenue source.

2. 70% of the money goes to the Local Government Housing Trust Fund for the State Housing Initiatives Partnership (SHIP) program, which funds housing programs in all 67 counties and 55 larger cities.

3. 30% of the money goes to the State Housing Trust Fund for Florida Housing Finance Corporation programs, such as the State Apartment Incentive Loan (SAIL) program.

4. The Hometown Heroes and Live Local SAIL Programs are funded with non-recurring general revenue.

State Apartment Incentive Loan Program – SAIL (Sadowski)

2025 Legislative Session Appropriation - $71,200,000 from State Housing Trust Fund

SAIL Background

1. The State Apartment Incentive Loan program (SAIL) is one of two Sadowski Act Trust Fund programs funded by Documentary Stamp revenues. The legislature fully funded the SAIL program in the 2025 session. The amount of the appropriation each year is dependent upon doc stamp collections and distributions to the housing trust funds.

2. SAIL funds can be used to rehabilitate existing apartments or build new units.

3. SAIL funds affordable rental developments by providing low-interest loans on a competitive basis to affordable housing developers. This money bridges the gap between the development's primary financing and the total cost of the development.

4. The rental developments funded by SAIL target lower income working families and the elderly. The units are income and rent restricted and must remain affordable for at least 50 years.

5. **Objective for 2026 Legislative Session:** Full Funding of the Sadowski Housing Trust Funds which includes SAIL.

State Housing Initiatives Partnership Program – SHIP (Sadowski)

2025 Legislative Session Appropriation - $163,800,000 from Local Government Housing Trust Fund

SHIP Background

1. The State Housing Initiatives Partnership program (SHIP) is one of two Sadowski Act Trust Fund programs funded by Documentary Stamp revenues. SHIP provides funds to local governments as an incentive to create partnerships that produce and preserve affordable homeownership and rental housing. The program is designed to serve very low-, low- and moderate-income families. The amount of the appropriation each year is dependent upon doc stamp collections and distributions to the housing trust funds.

2. SHIP funds are distributed to all 67 counties and 55 cities in Florida. The minimum allocation is $350,000 per county. To participate, local governments must establish a local housing assistance program and a local housing assistance plan (LHAP).

3. SHIP funds may be used for a wide variety of activities, including repairing existing housing stock to allow seniors to age in place, retrofit homes for Floridians with special needs, provide first time homeowners with down-payment and closing cost assistance, and rehabilitate existing housing. A list of eligible activities includes:
   - Emergency repairs
   - New construction
   - Rehabilitation
   - Down payment/mortgage assistance and closing cost assistance
   - Impact fees
   - Construction and gap financing,
   - Acquisition of property for affordable housing
   - Tenant Assistance (rent, deposits)
   - Matching dollars for federal housing grants and programs
   - Homeownership counseling

4. Program Set-aside Requirements:
   - A minimum of 65 percent of the funds must be spent on eligible homeownership activities

- A minimum of 75 percent of funds must be spent on eligible construction activities
- At least 30 percent of the funds must be reserved for very-low-income households (up to 50 percent of the area median income or AMI)
- An additional 30 percent must be reserved for low-income households (up to 80 percent of AMI);
- The remaining funds may be reserved for households up to 140 percent of AMI.
- No more than 10 percent of SHIP funds may be used for administrative expenses.

5. **Objective for 2026 Legislative Session:** Full Funding of the Sadowski Trust Funds which includes SHIP.

Hometown Heroes Home Ownership Program—General Revenue

2025 Legislative Session Appropriation - $50 million (non-recurring general revenue)

1. This program provides down payment and closing cost assistance to first-time, income-qualified homebuyers so they can purchase a primary residence in the community in which they work and serve. The Florida Hometown Heroes Loan Program also offers a lower first mortgage interest rate and additional special benefits to those who have served and continue to serve their country.

2. **Program Details:**
   - Eligible full-time workforce, employed by a Florida-based employer can receive lower than market interest rates on an FHA, VA, RD, Fannie Mae or Freddie Mac first mortgage, reduced upfront fees, no origination points or discount points and down payment and closing cost assistance.
   - Borrowers can receive up to 5% of the first mortgage loan amount (maximum of $35,000) in down payment and closing cost assistance.
   - Down payment and closing cost assistance is available in the form of a 0%, non-amortizing, 30-year deferred second mortgage. This second mortgage becomes due and payable, in full, upon sale of the property, refinancing of the first mortgage, transfer of deed or if the homeowner no longer occupies the property as his/her primary residence. The Florida Hometown Heroes loan is not forgivable.

3. Objective for 2026 Legislative Session: Increase Hometown Heroes Funding to $100 million (non-recurring general revenue)

Live Local Act - State Apartment Incentive Loan (Live Local SAIL)

2025 Legislative Appropriation - $150 million (non-recurring general revenue)

1. The Live Local Act as originally passed in 2023 provided a new recurring funding for affordable and workforce rental housing for ten years from doc stamps. However, the Legislature removed the statutory funding from doc stamps in the 2025 session and funded the program with a non-recurring general revenue appropriation.

2. The Legislature intends for the funding to be used as State Apartment Incentive Loan (SAIL) program gap loans for "innovative projects that provide affordable and attainable housing for persons and families working, going to school or living in the state." These loans will cover 25% to 35% of total development costs. Seventy percent of the increased funding will be used to issue competitive RFAs to finance developments that:
   - Both redevelop an existing affordable housing development and provide for the construction of a new development within close proximity to the existing development to be rehabilitated. Address urban infill, including conversions of vacant, dilapidated, or functionally obsolete buildings or the use of underused commercial property.
   - Provide for mixed use of the location, incorporating nonresidential uses, such as retail, office, institutional, or other appropriate commercial or nonresidential uses.
   - Provide housing near military installations in this state, with preference given to projects that incorporate critical services for servicemembers, their families, and veterans, such as mental health treatment services, employment services, and assistance with transition from active-duty service to civilian life.

3. The remaining funds shall be used to issue competitive RFAs to finance developments that:
   - Propose using or leasing public lands. Projects that propose to use or lease public lands must include a resolution or other agreement with the unit of government owning the land to use the land for affordable housing purposes.
   - Address the needs of young adults who age out of the foster care system.
   - Meet the needs of elderly persons.
   - Provide housing to meet the needs in areas of rural opportunity, designated pursuant to s. 288.0656.

4. **Objective for 2026 Legislative Session:** Appropriate $150 million of non-recurring general revenue for the Live Local Act SAIL Program

Short-Term Rentals Update

Short term vacation rental bill sponsor won't pick up the mantle in 2025

Republican Nick DiCeglie sponsored bills for the past two years that would have given the state more power to regulate platforms like Airbnb

BY: **MITCH PERRY** - SEPTEMBER 18, 2024 11:32 AM

A photo of Nick DiCeglie in the Florida House in April 2021. DiCeglie is now in the state Senate. (Credit: Florida House.)

Florida lawmakers may once again attempt to pass legislation tightening regulation of short-term vacation rentals next year but, if they do, the state senator who has sponsored those bills during the past two sessions won't be the one carrying it.

"No," said Pinellas County Republican Nick DiCeglie when asked Monday night in St. Petersburg about sponsoring a similar measure next year.

"I did two years in a row. I haven't heard anything. I don't think there's going to be any effort to change anything from a local standpoint, but I don't know. I have no idea. But I will not have my name on it."

DiCeglie resides in Indian Rocks Beach, a small coastal community in Pinellas that has been described as "Ground Zero" in the battle between vacation rental owners and their residential neighbors who resent such rentals. He sponsored a measure in the Florida House in the 2023 session that died on the last day of the session when the House refused to pick up last-hour changes made by the Senate.

The measure went further in 2024, successfully getting though both chambers, although its nine-vote margin of victory in (60-51) was one of the closest tallies of any bill in the Florida House during the entire session. But it was vetoed by Gov. Ron DeSantis in late June, just days before the legislation would have gone into effect.

In his veto message, the governor noted objections raised by the many critics of the bill, saying that it would have created "new bureaucratic red tape" preventing local governments from enforcing existing ordinances or passing any new ones exclusively applying to vacation rentals.

DiCeglie said he has no idea whether any other legislator would try to carry the bill next session. Similar proposals have been introduced virtually every year for a decade, yet the Legislature has failed to act since 2014, when it voted to allow local governments to regulate matters like noise, parking, and trash, but prevented them from prohibiting or regulating the duration or frequency of short-term rentals.

He said certain provisions in this year's bill garnered buy-in from most of the engaged parties, including "data transparency" provisions such as requiring that platforms like Airbnb and Vrbo submit quarterly reports to the state identifying all units listed on their sites, as well as their vacation rental license numbers and locations.

The Department of Business and Professional Regulation (DBPR) would have created and maintained a vacation rental database for all those businesses across the state.

'Good, sound policy'

"I think that was all good, sound policy," DiCeglie said. "The minute we started getting into the local stuff, that's when things got a little hairy."

DiCeglie noted that in Indian Rocks Beach, the city commission last month voted down a compromise that short term rental operators and city staff negotiated to settle a lawsuit filed by seven vacation rental owners after the city passed an ordinance in 2023.

"It's going to be interesting to see how that plays out," he said. "What are the courts going to ultimately decide? Did they go too far? Was it a balance? Who knows?"

'Out of step'

Kelly Cisarik, a resident of Indian Rocks Beach who has been critical of the state preemption of local governments regulation of short-term vacation rentals, said DiCeglie was "out of step with the majority of his constituents" regarding his 2023 and 2024 bills.

"Voters living in residentially zoned areas want local control of Short Term Vacation Rentals businesses," she said in an email. "Tallahassee can't help us with problems at 2 AM."

In his veto message of SB 280, DeSantis wrote, "Under this bill, any such measure would apply to all residential properties. The effect of this provision will prevent virtually all local regulation of vacation rentals even though the vacation rental markets are far from uniform across all the various regions of the state."

"When Gov. DeSantis vetoed SB 280, he acknowledged that local governments should be able to continue to regulate Vacation Rental businesses," Cisarik wrote. "That veto should have sent a clear message to any potential bill sponsor in 2025, and that message is: One size does not fit all."

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Pinellas asked vacation rentals to play by the rules. A lawsuit is brewing.

Two communities in Pinellas face legal threats over stricter vacation rental laws.

Matthew Barrowclough enters the gate to the yard of his rental property at 211 11th Ave. on Monday, June 2, 2025, in Indian Rocks Beach. Barrowclough has sued the beach town over its rules for vacation rentals and is now refusing to comply with the law. [DIRK SHADD | Times]

By

- **Shauna Muckle** *Tampa Bay Times staff*

Published June 10|Updated June 10

Pinellas County officials are hoping to finally clamp down on vacation rentals where unattended trash and loud parties have drawn scorn from neighbors.

But one attorney is already threatening to sue the county over the crackdown. Keith Brady, a vacation rental attorney, said that owners and managers of more than 50 rentals have approached him, concerned they'll lose so much income that they'll no longer break even.

Pinellas is requiring vacation rental owners living in its unincorporated areas to register for a certificate of use and safety inspection, which costs $600 the first year.

It's not the registration component that Brady and the rental owners object to, but a 10-person occupancy limit, on the books since 2018, that could now see stricter enforcement. Brady said owners of seven-bedroom homes were counting on renting out to 16 at a time to pay for monthly mortgage payments.

The possible lawsuit against Pinellas highlights the blowback communities across the state face when it comes to holding owners accountable for renting out homes on platforms like Airbnb and VRBO. Rental owners routinely respond to local enforcement with legal threats.

Perhaps no community better encapsulates the tension between residents and rental owners than Indian Rocks Beach, a town of about 3,600 that has battled nine lawsuits over rules it enacted two years ago.

Lawsuits and resignations

When Indian Rocks Beach passed an ordinance like Pinellas County's in 2023, Matthew Barrowclough decided to sue. The city has faced seven suits from rental owners, though only one is moving forward.

Barrowclough owns four rental units in the city. He says he pays thousands in taxes — but won't pay more to a registration program, costing $450 the first year, that would require him to submit to a city inspection. He also objects to the city's 10-person limit.

Barrowclough says Indian Rocks Beach isn't allowed to inspect his home. That authority, he argues, is reserved for the Florida Department of Business and Professional Regulation. He also says the new ordinance illegally treats his rentals as a business, running afoul of past court rulings in the state.

Barrowclough's lawsuit stalled, and Hurricane Helene shifted his focus to monthslong repairs on his flooded properties.

Earlier this year, Homes Not Hotels, a group opposing illegal short-term rentals, filed two suits against the city. Residents demanded that Indian Rocks Beach enforce its law.

A month ago, Barrowclough received a $5,000 fine in the mail for failing to register for the city's vacation rental program.

"There was no urgency to do this," he said. "All the rebuilding problems, and this is what they're focusing on."

Matthew Barrowclough, 44, at his rental property at 211 11th Ave. in Indian Rocks Beach. Barrowclough has owned the three-unit property for over three years and rents them as a vacation rentals. [DIRK SHADD | Times]

In late May, Denise Houseberg, mayor of Indian Rocks Beach, sat in a meeting room at the Holiday Inn as Barrowclough argued before a special magistrate that the city has no right to enforce its rental rules against him.

While Barrowclough had no luck reducing his fine, he vowed to continue flouting the registration program. He plans to appeal the special magistrate's decision.

Houseberg fretted over the prospect of legal appeals.

"Just what we need," she said. "More lawsuits."

City Hall has been under construction since Hurricane Helene swamped it eight months ago. Dozens must rebuild their homes.

Yet it was the consternation over vacation rentals that drove from office Indian Rocks Beach's city manager and city attorney, Houseberg said.

“Everybody’s just sick to death and tired of” the back-and-forth over rentals, Houseberg said. “In this political arena, you try to tell people the truth, and they’re like ‘No, that’s not the truth.’”

Signs against short-term rentals that read “Homes NOT Hotels!” are pictured on Harbor Drive South on Monday, June 2, 2025, in Indian Rocks Beach. The group, a not-for-profit corporation, filed a lawsuit against the city for not enforcing vacation rental rules. [DIRK SHADD | Times]

Will Pinellas see similar problems?

Laura Lindsay owns vacation rentals in unincorporated Pinellas County and Indian Rocks Beach.

So far, Pinellas is doing everything Lindsay wishes Indian Rocks would have done. The county is offering Zoom trainings and educating owners with a dedicated webpage. Those who do not register by the deadline will receive a warning with almost three weeks of grace before fines begin.

“I was watching this tutorial with Pinellas County … and it’s everything people were asking in Indian Rocks,” Lindsay said. “You should not have to go digging around” to find information on the new rules.

But not everyone is satisfied. Brady says county officials haven’t returned his emails and phone calls. He said he doesn’t want to resort to a lawsuit — but won’t let the 10-person limit go unchallenged.

He plans to argue that Florida’s fire code doesn’t allow localities to regulate occupancy in vacation rentals beyond a standard of 150 square feet per person. With that benchmark, a 4,000-square-foot home could fit 26 people.

Brady wants to prod the county to accept a looser standard of two people per bedroom, plus two extra in the living areas, with no hard maximum.

“You’ve got to give us something reasonable,” Brady said. “There’s no need for a lawsuit. Just take your foot off the gas.”

Kevin McAndrew, Pinellas’ director of building and development review services, said the new ordinance “is aligned with the requisite state statutes.” He said state law allows localities to inspect rentals for fire safety and restrict occupancy as they see fit.

Why are we seeing a wave of enforcement?

Neighbor complaints against vacation rentals have been mounting for years, McAndrew said. But Pinellas has struggled to track who‘s renting out for short-term stays.

Past rules were “entirely ineffective because of the lack of a registration requirement,” McAndrew said. “There was literally no counting or accountability to how many short-term rentals were operating in unincorporated Pinellas.”

Now Pinellas is hiring more code enforcement staff and investing in technology that will track rental listings across platforms. Those who repeatedly violate rules around registration, fire safety, noise and trash could face fines of up to $1,000 per day.

Unincorporated Pinellas and Indian Rocks Beach face a particularly frustrating limitation.

In 2014, the Legislature told localities they couldn’t curtail where vacation rentals operate. Cities that had limited nightly rentals to certain parts of town before 2011, like St. Petersburg and Madeira Beach, could keep those restrictions.

Everyone else couldn’t. Since that law passed, Airbnb’s annual revenue has surged from around $400 million in 2014 to $11.1 billion last year.

Local officials estimate there are around 2,000 short-term rental owners in unincorporated Pinellas. There are about 3,300 listings for short-term rentals in Indian Rocks Beach, according to AirDNA, a tracking website, though that count includes duplicate ads.

Matthew Barrowclough looks over the exterior of his rental property in Indian Rocks Beach. He said he'll continue to flout the city's vacation rental registration program, arguing that it is illegal. [DIRK SHADD | Times]

As nightly rental platforms have exploded, resident grievances have piled up. Houseberg said she wants a return to home rule but has little faith the Legislature will ever restore cities' right to forbid vacation rentals in residential neighborhoods.

So instead, Indian Rocks Beach and unincorporated Pinellas have turned to aggressive registration programs. Local officials hope that, through inspections and civil penalties, they can compel owners to be good neighbors.

Will that solution satisfy everyone? Probably not, Houseberg said.

“It doesn’t even matter if (short-term rentals) are perfectly behaved,” Houseberg said. “They’re hated anyway. It’s gotten so bad here that people are yelling at them on the street, ‘Who are you and why are you here?’”

But Houseberg said she’s trying to be a mayor for everyone. She hopes she can bring rental owners and fuming neighbors to the table to hash out better compromises.

Brady said registration programs make sense for cities going after bad actors. He has little sympathy for people shirking the programs entirely.

“There are vacation rentals that are unlicensed, not registered, they’re not inspected, and … they’re not paying their taxes,” Brady said. “And so the vacation rental owners need to understand, (local governments) have a real need to regulate.”

Shauna Muckle is the reporter covering tourism, transportation and technology. They can be reached at smuckle@tampabay.com.

City of Palm Coast Announces New Short-Term Rental Registration Requirements

Thursday, March 06, 2025

The City of Palm Coast has implemented new Short-Term Rental Registration Requirements, which are now in effect. Property owners operating short-term rentals within the city must register their properties annually with both the City of Palm Coast and Flagler County.

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The City of Palm Coast has implemented new Short-Term Rental Registration Requirements, which are now in effect. Property owners operating short-term rentals within the city must register their properties annually with both the City of Palm Coast and Flagler County and comply with all applicable regulations. Failure to register may result in a notice of violation and a code board hearing.

These requirements apply only to short-term rentals. Long-term rental properties are not required to register.

Before submitting a short-term rental registration with the City of Palm Coast, property owners must obtain the following:

- Sample Lease Agreement meeting Ordinance 2025-01 requirements
- Designation of a Responsible Party

- Business Tax Receipts from both the City of Palm Coast and Flagler County
- Florida Department of Revenue Certificate of Registration
- Florida Department of Business & Professional Regulation (DBPR) License for transient lodging
- Executed Affidavit certifying compliance
- Proof of Advertising Compliance

The City of Palm Coast has created a dedicated webpage to guide property owners through the registration process. This resource includes step-by-step instructions, helpful information, and a forms library with important reference materials. Property owners can visit palmcoast.gov/community-development/short-term-rental for details.

For questions or support, property owners can contact the Business Tax Office at (386) 986-3766 or email btr@palmcoastgov.com.

The City of Palm Coast appreciates the cooperation of short-term rental owners in maintaining the integrity of our community and ensuring a positive experience for both residents and visitors.

Stay informed with the latest news and information from the City of Palm Coast by following us on Facebook, Instagram, Twitter, YouTube, and LinkedIn. You can sign up for weekly updates by visiting www.palmcoastgov.com/government/city-manager/week-in-review.

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MONEY

There are 1,400 short-term rentals in Jacksonville Beach. Locals say that's driving up home prices and changing the city

Addressing Affordability: The cost of living next to a short-term rental in Jacksonville Beach

Tiffany Salameh, News4JAX Consumer Investigative Reporter , Jacksonville
Ciara Earrey, Special Projects Producer, Jacksonville

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Tags: **Addressing A4dability, Affordable Housing, Jacksonville Beach, Duval County, Money**

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JACKSONVILLE BEACH, Fla. – Jacksonville Beach may be known for its laid-back charm and tourist appeal, but longtime residents say that charm is fading fast, thanks to the growing number of short-term rental properties popping up in residential neighborhoods.

"The last time I clocked it, it was around 600 rentals, 600 short-term rental properties, 600 opportunities that were taken from other first-time home buyers to get into the market," said Ashley Kelm, a Jacksonville Beach homeowner who lives next to an Airbnb.

As part of **News4JAX's Addressing A4dability series**, we're taking a closer look at how short-term rentals, like Airbnb and Vrbo, are reshaping housing markets, neighborhoods, and the ability for locals to afford a place to live.

"You can drive down our street and you know exactly where the short-term rentals are," Kelm said.

She's lived in the beach community for over a decade and says the difference today is striking. Longtime neighbors have moved out, replaced by a revolving door of vacationers.

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But beyond the disruption, she says the rise in short-term rentals is having a deeper impact, one that's hitting the housing market hard. Kelm says her own home has tripled in value since she purchased it just four years ago, and that rapid inflation is pricing out local families.

"As a homeowner, like, 'Yay, that's exciting!' But as a person and as somebody who wants to see families be able to thrive in this area, it's discouraging," she said. "For my friends that haven't purchased a home and they're coming into the market, or for families that are trying to do that, they're priced out. They can't afford it."

According to *AirDNA*, Jacksonville Beach currently has 1,400 active short-term rental listings. That's nearly five times the number of properties currently for sale in the city (287).

Kelm said she'd much rather see a family move in next door.

Research backs up her concern.

A recent *Harvard Politics* analysis found a direct correlation between the number of Airbnb listings in a city and higher rent prices.

"It's sad to see the amount of units that are used for short-term rentals when there is such a demand for units to live in," said Cicely Hodges, a housing and community development policy analyst at the Florida Policy Institute.

Florida cities like Jacksonville Beach have limited power to regulate short-term rentals. State law prohibits municipalities from creating new restrictions unless they had local rules on the books before 2011. That means places like St. Petersburg and Neptune Beach can still regulate short-term rentals, but Jacksonville Beach can't.

Hodges says the lack of regulation is fueling the affordability crisis.

"An increase in short-term rentals depletes the actual affordable housing supply, which then raises the rates that landlords can charge for that housing," she said.

Kelm believes state lawmakers must act and give cities more control.

"[Regulation] would discourage the corporations from entering into the housing market, because they

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As more residents speak out, advocates are urging state leaders to hand control of short-term rental regulations back to local governments. Until then, residents in coastal communities like Jacksonville Beach say they'll continue to face a difficult reality: more tourists and fewer neighbors.

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Impact Fees Update

By the Committee on Community Affairs; and Senator DiCeglie

578-03106-25 2025482c1

A bill to be entitled

An act relating to impact fees; amending s. 163.3164, F.S.; defining the term "plan-based methodology"; amending s. 163.31801, F.S.; defining the term "extraordinary circumstances"; requiring the completion of a demonstrated-need study using plan-based methodology before the adoption of an impact fee increase which expressly demonstrates certain extraordinary circumstances; prohibiting increases in certain impact fees unless specified extraordinary circumstances are demonstrated; prohibiting a local government from increasing an impact fee rate under certain circumstances; amending s. 212.055, F.S.; conforming a cross-reference; providing an effective date.

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

Section 1. Present subsections (39) through (54) of section 163.3164, Florida Statutes, are redesignated as subsections (40) through (55), respectively, and a new subsection (39) is added to that section, to read:

163.3164 Community Planning Act; definitions.—As used in this act:

(39) "Plan-based methodology" means the use of the most recent and localized data to project growth within a jurisdiction over a 6-year period and the anticipated capacity impacts created by that projected growth, and the creation of a list of capital improvements or infrastructure as defined in s.

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163.31801(3) to be constructed in a defined time period to mitigate those impacts as part of a new or updated impact fee study.

Section 2. Present paragraphs (a) and (b) of subsection (3) of section 163.31801, Florida Statutes, are redesignated as paragraphs (b) and (c), respectively, a new paragraph (a) is added to that subsection, and paragraph (g) of subsection (6) of that section is amended, to read:

163.31801 Impact fees; short title; intent; minimum requirements; audits; challenges.—

(3) For purposes of this section, the term:

(a) "Extraordinary circumstances" means the measurable effects of development which will require mitigation by the affected local government and which exceed the total of the current adopted impact fee amount combined with any increase as provided in paragraphs (6)(c), (d), and (e) in less than 4 years.

(6) A local government, school district, or special district may increase an impact fee only as provided in this subsection.

(g) A local government, school district, or special district may increase an impact fee rate beyond the phase-in limitations established under paragraph (b), paragraph (c), paragraph (d), or paragraph (e) by establishing the need for such increase in full compliance with the requirements of subsection (4), provided the following criteria are met:

1. A demonstrated-need study using plan-based methodology justifying any increase in excess of those authorized in paragraph (b), paragraph (c), paragraph (d), or paragraph (e)

has been completed within the 12 months before the adoption of the impact fee increase and expressly demonstrates the extraordinary circumstances necessitating the need to exceed the phase-in limitations.

a. An increase in a nontransportation impact fee may not be adopted unless the extraordinary circumstances demonstrated in the demonstrated-need study include at least two of the following:

(I) The population of the local government's jurisdiction over the past 5 years exceeds, by at least 10 percent, the population estimates and projections used to justify the most recent impact fee increase.

(II) The average number of building permits issued by the local government over the past 5 years exceeds, by at least 10 percent, building permit estimates and projections used to justify the most recent impact fee increase.

(III) The employment base within the local jurisdiction over the past 5 years exceeds the employment estimates and projections used to justify the most recent impact fee.

(IV) The existing level of service grade will be lowered without an increase in the impact fee rate.

b. An increase in a transportation impact fee may not be adopted unless the extraordinary circumstances demonstrated in the demonstrated-need study include at least three of the following:

(I) Any condition provided in sub-subparagraph a.

(II) Cost growth over the past 5 years which exceeds, by an average of at least 10 percent, the Federal Highway Administration's National Highway Construction Cost index

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average used to justify the previous impact fee increase.

(III) The vehicle miles traveled in the past 5 years exceed, by at least 10 percent, the Department of Transportation's vehicle miles traveled index average used to justify the most recent impact fee.

(IV) The per-lane mile cost estimates for construction for the past 5 years exceed, by at least 10 percent, the Department of Transportation average used to justify the most recent impact fee.

c. An increase in an impact fee for an independent special district may not be adopted unless the extraordinary circumstances demonstrated in the demonstrated-need study include all of the following:

(I) The amount of growth experienced in the past 5 years and anticipated within the district requires a significant immediate infrastructure investment to serve such growth which will need to be financed by the special district with impact fees.

(II) The cost of infrastructure investment required to be financed by the district in the next 5 years is increasing the need for public facilities and has a direct impact on the fee amount needed to finance the additional infrastructure for the benefit of the growth.

(III) The existing level of service will be impacted without an increase in the impact fee rate.

2. The local government jurisdiction has held not fewer ~~less~~ than two publicly noticed workshops dedicated to the extraordinary circumstances necessitating the need to exceed the phase-in limitations set forth in paragraph (b), paragraph (c),

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paragraph (d), or paragraph (e).

3. The impact fee increase ordinance is approved by at least a two-thirds vote of the governing body.

A local government may not increase an impact fee rate beyond the phase-in limitations under this paragraph if the local government has not increased the impact fee within the past 5 years. Any year in which the local government is prohibited from increasing an impact fee because the jurisdiction is in a hurricane disaster area is not included in the 5-year period.

Section 3. Paragraph (d) of subsection (2) of section 212.055, Florida Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(d) The proceeds of the surtax authorized by this subsection and any accrued interest shall be expended by the school district, within the county and municipalities within the

county, or, in the case of a negotiated joint county agreement, within another county, to finance, plan, and construct infrastructure; to acquire any interest in land for public recreation, conservation, or protection of natural resources or to prevent or satisfy private property rights claims resulting from limitations imposed by the designation of an area of critical state concern; to provide loans, grants, or rebates to residential or commercial property owners who make energy efficiency improvements to their residential or commercial property, if a local government ordinance authorizing such use is approved by referendum; or to finance the closure of county-owned or municipally owned solid waste landfills that have been closed or are required to be closed by order of the Department of Environmental Protection. Any use of the proceeds or interest for purposes of landfill closure before July 1, 1993, is ratified. The proceeds and any interest may not be used for the operational expenses of infrastructure, except that a county that has a population of fewer than 75,000 and that is required to close a landfill may use the proceeds or interest for long-term maintenance costs associated with landfill closure. Counties, as defined in s. 125.011, and charter counties may, in addition, use the proceeds or interest to retire or service indebtedness incurred for bonds issued before July 1, 1987, for infrastructure purposes, and for bonds subsequently issued to refund such bonds. Any use of the proceeds or interest for purposes of retiring or servicing indebtedness incurred for refunding bonds before July 1, 1999, is ratified.

1. For the purposes of this paragraph, the term "infrastructure" means:

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a. Any fixed capital expenditure or fixed capital outlay associated with the construction, reconstruction, or improvement of public facilities that have a life expectancy of 5 or more years, any related land acquisition, land improvement, design, and engineering costs, and all other professional and related costs required to bring the public facilities into service. For purposes of this sub-subparagraph, the term "public facilities" means facilities as defined in s. 163.3164 ~~s. 163.3164(41)~~, s. 163.3221(13), or s. 189.012(5), and includes facilities that are necessary to carry out governmental purposes, including, but not limited to, fire stations, general governmental office buildings, and animal shelters, regardless of whether the facilities are owned by the local taxing authority or another governmental entity.

b. A fire department vehicle, an emergency medical service vehicle, a sheriff's office vehicle, a police department vehicle, or any other vehicle, and the equipment necessary to outfit the vehicle for its official use or equipment that has a life expectancy of at least 5 years.

c. Any expenditure for the construction, lease, or maintenance of, or provision of utilities or security for, facilities, as defined in s. 29.008.

d. Any fixed capital expenditure or fixed capital outlay associated with the improvement of private facilities that have a life expectancy of 5 or more years and that the owner agrees to make available for use on a temporary basis as needed by a local government as a public emergency shelter or a staging area for emergency response equipment during an emergency officially declared by the state or by the local government under s.

252.38. Such improvements are limited to those necessary to comply with current standards for public emergency evacuation shelters. The owner must enter into a written contract with the local government providing the improvement funding to make the private facility available to the public for purposes of emergency shelter at no cost to the local government for a minimum of 10 years after completion of the improvement, with the provision that the obligation will transfer to any subsequent owner until the end of the minimum period.

e. Any land acquisition expenditure for a residential housing project in which at least 30 percent of the units are affordable to individuals or families whose total annual household income does not exceed 120 percent of the area median income adjusted for household size, if the land is owned by a local government or by a special district that enters into a written agreement with the local government to provide such housing. The local government or special district may enter into a ground lease with a public or private person or entity for nominal or other consideration for the construction of the residential housing project on land acquired pursuant to this sub-subparagraph.

f. Instructional technology used solely in a school district's classrooms. As used in this sub-subparagraph, the term "instructional technology" means an interactive device that assists a teacher in instructing a class or a group of students and includes the necessary hardware and software to operate the interactive device. The term also includes support systems in which an interactive device may mount and is not required to be affixed to the facilities.

2. For the purposes of this paragraph, the term "energy efficiency improvement" means any energy conservation and efficiency improvement that reduces consumption through conservation or a more efficient use of electricity, natural gas, propane, or other forms of energy on the property, including, but not limited to, air sealing; installation of insulation; installation of energy-efficient heating, cooling, or ventilation systems; installation of solar panels; building modifications to increase the use of daylight or shade; replacement of windows; installation of energy controls or energy recovery systems; installation of electric vehicle charging equipment; installation of systems for natural gas fuel as defined in s. 206.9951; and installation of efficient lighting equipment.

3. Notwithstanding any other provision of this subsection, a local government infrastructure surtax imposed or extended after July 1, 1998, may allocate up to 15 percent of the surtax proceeds for deposit into a trust fund within the county's accounts created for the purpose of funding economic development projects having a general public purpose of improving local economies, including the funding of operational costs and incentives related to economic development. The ballot statement must indicate the intention to make an allocation under the authority of this subparagraph.

Section 4. This act shall take effect July 1, 2025.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL:	CS/SB 482
INTRODUCER:	Community Affairs Committee and Senator DiCeglie
SUBJECT:	Impact Fees
DATE:	April 1, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Fleming	CA	**Fav/CS**
2.			FT	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 482 provides a definition of "extraordinary circumstance" for the purposes of raising impact fees beyond the statutorily prescribed percentage. The bill's definition requires certain criteria to be met before a local government can raise impact fees beyond the statutory ramp up of 50 percent over 4 years. These criteria include factors such as population growth, total development increases, increase in vehicle miles, and increase in maintenance costs.

The bill also prohibits a local government from increasing impact fees under "extraordinary circumstances" if the local government has not increased impact fees over the preceding 5 years.

The bill takes effect July 1, 2025.

II. Present Situation:

Local Government Impact Fees

In Florida, impact fees are imposed pursuant to local legislation and are generally charged as a condition for the issuance of a project's building permit. The principle behind the imposition of impact fees is to transfer to new users of a government-owned system a fair share of the costs the new use of the system involves.[1] Impact fees have become an accepted method of paying for

[1] *Contractors & Builders Ass'n of Pinellas County v. City of Dunedin*, 329 So. 2d 314, 317-318 (Fla. 1976).

public improvements that must be constructed to serve new growth.[2] In order for an impact fee to be a constitutional user fee and not an unconstitutional tax, the fee must meet a dual rational nexus test, in that the local government must demonstrate the impact fee is proportional and reasonably connected to, or has a rational nexus with:

- The need for additional capital facilities and the increased impact generated by the new residential or commercial construction; and
- The expenditure of the funds collected and the benefits accruing to the new residential or nonresidential construction.[3]

Impact fee calculations vary from jurisdiction to jurisdiction and from fee to fee. Impact fees also vary extensively depending on local costs, capacity needs, resources, and the local government's determination to charge the full cost or only part of the cost of the infrastructure improvement through utilization of the impact fee.

Impact Fee Increases

Section 163.31801(6), F.S., provides limitations on impact fee increases imposed by a local government, school district, or special district. An impact fee may increase only pursuant to a plan for the imposition, collection, and use of the increased impact fees as follows:

- An impact fee increase of not more than 25 percent of the current rate must be implemented in two equal annual increments beginning with the date on which the increased fee is adopted.
- If the increase in rate is between 25 and 50 percent of the current rate, the increase must be implemented in four equal annual installments.
- No impact fee increase may exceed 50 percent of the current impact fee rate.
- An impact fee may not be increased more than once every four years.
- An impact fee may not be increased retroactively for a previous or current fiscal or calendar year.

A local government, school district, or special district may increase an impact fee rate beyond these phase-in limitations if a local government, school district, or special district:

- Completes, within the 12-month period before the adoption of the impact fee increase, a demonstrated-need study justifying the increase and expressly demonstrating the *extraordinary circumstances* necessitating the need to exceed the limitations;
- Holds at least two publicly noticed workshops dedicated to the extraordinary circumstances necessitating the need to exceed the limitations; and
- Approves the impact fee increase ordinance by at least a two-thirds vote of the governing body.

III. Effect of Proposed Changes:

The bill amends s. 163.31801, F.S., to provide a definition of "extraordinary circumstance" for the purposes of raising impact fees beyond the statutorily prescribed percentage: means the measurable effects of development which will require mitigation by the affected local

[2] *St. Johns County v. Ne. Florida Builders Ass'n, Inc.*, 583 So. 2d 635, 638 (Fla. 1991); s. 163.31801(2), F.S.
[3] *See St. Johns County* at 637. Codified at s. 163.31801(3)(f) and (g), F.S.

government and which exceed the total of the current adopted impact fee amount combined with any of certain enumerated increases in less than 4 years.

The bill provides for circumstances which would permit a local government to raise impact fees beyond the statutory ramp under the "extraordinary circumstances" exception separated by type of fee, as follows:

An increase in a nontransportation impact fee may not be adopted unless the extraordinary circumstances demonstrated in the demonstrated-need study include at least two of the following:

- The population of the local government's jurisdiction over the past 5 years exceeds, by at least 10 percent, the population estimates and projections used to justify the most recent impact fee increase.
- The average number of building permits issued by the local government over the past 5 years exceeds, by at least 10 percent, building permit estimates and projections used to justify the most recent impact fee increase.
- The employment base within the local jurisdiction over the past 5 years exceeds the employment estimates and projections used to justify the most recent impact fee.
- The existing level of service grade will be lowered without an increase in the impact fee rate.

An increase in a transportation impact fee may not be adopted unless the extraordinary circumstances demonstrated in the demonstrated-need study include at least three of the following:

- Any condition enumerated above.
- Cost growth over the past 5 years which exceeds, by an average of at least 10 percent, the Federal Highway Administration's National Highway Construction Cost index average used to justify the previous impact fee increase.
- The vehicle miles traveled in the past 5 years exceed, by at least 10 percent, the Department of Transportation's vehicle miles traveled index average used to justify the most recent impact fee.
- The per-lane mile cost estimates for construction for the past 5 years exceed, by at least 10 percent, the Department of Transportation average used to justify the most recent impact fee.

An increase in an impact fee for an independent special district may not be adopted unless the extraordinary circumstances demonstrated in the demonstrated-need study include all of the following:

- The amount of growth experienced in the past 5 years and anticipated within the district requires a significant immediate infrastructure investment to serve such growth which will need to be financed by the special district with impact fees.
- The cost of infrastructure investment required to be financed by the district in the next 5 years is increasing the need for public facilities and has a direct impact on the fee amount needed to finance the additional infrastructure for the benefit of the growth.
- The existing level of service will be impacted without an increase in the impact fee rate.

The bill also provides that a local government may not increase an impact fee rate beyond the phase-in limitations under this paragraph if the local government has not increased the impact fee

within the past 5 years. Any year in which the local government is prohibited from increasing an impact fee because the jurisdiction is in a hurricane disaster area is not included in the 5-year period.

The bill also defines "plan-based methodology" to mean the use of the most recent and localized data to project growth within a jurisdiction over a 6-year period and the anticipated capacity impacts created by that projected growth, and the creation of a list of capital improvements or infrastructure to be constructed in a defined time period to mitigate those impacts as part of a new or updated impact fee study.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 163.3164, 163.31801, and 212.055.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Community Affairs on March 31, 2025:
The committee substitute:

- Revises the calculation for "extraordinary circumstances" to be based on a variety of factors including population, building permits, employment, and levels of service. A local government is prohibited from utilizing extraordinary circumstances to raise impact fees if it has not raised impact fees in the preceding 5 years.
- Removes provisions relating to public art funding.
- Changes the title of the bill to an act relating to impact fees.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

A bill to be entitled

An act relating to local government impact fees and development permits and orders; amending s. 125.022, F.S.; prohibiting a county from requiring an applicant to take certain actions as a condition of processing or issuing a development permit or development order; providing that any ordinance or regulation in conflict is void and unenforceable; amending s. 163.3164, F.S.; defining the term "plan-based methodology"; amending s. 163.31801, F.S.; defining the term "extraordinary circumstances"; requiring the completion of a demonstrated-need study using a plan-based methodology before the adoption of an impact fee increase which expressly demonstrates certain extraordinary circumstances; prohibiting increases in certain impact fees unless specified extraordinary circumstances are demonstrated; prohibiting a local government from increasing an impact fee rate under certain circumstances; amending s. 166.033, F.S.; prohibiting a municipality from requiring an applicant to take certain actions as a condition of processing or issuing a development permit or development order; providing that any ordinance or regulation in conflict is void and unenforceable; amending s. 212.055, F.S.; conforming a cross-reference; providing an effective

date.

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

Section 1. Subsection (8) is added to section 125.022, Florida Statutes, to read:

125.022 Development permits and orders.—

(8) A county may not as a condition of processing or issuing any development permit or development order require an applicant to install a work of art, pay a fee for a work of art, or reimburse the county for any costs that the county may incur related to a work of art. Any ordinance or regulation in conflict with this subsection is void and unenforceable.

Section 2. Subsections (39) through (54) of section 163.3164, Florida Statutes, are renumbered as subsections (40) through (55), respectively, and a new subsection (39) is added to that section to read:

163.3164 Community Planning Act; definitions.—As used in this act:

(39) "Plan-based methodology" means the use of the most recent and localized data to project growth within a jurisdiction over a 6-year period and the anticipated capacity impacts created by that projected growth, and the creation of a list of capital improvements or infrastructure as defined in s. 163.31801(3) to be constructed in a defined time period to

mitigate those impacts as part of a new or updated impact fee study.

Section 3. Paragraphs (a) and (b) of subsection (3) of section 163.31801, Florida Statutes, are redesignated as paragraphs (b) and (c), respectively, a new paragraph (a) is added to that subsection, and paragraph (g) of subsection (6) of that section is amended, to read:

163.31801 Impact fees; short title; intent; minimum requirements; audits; challenges.—

(3) For purposes of this section, the term:

(a) "Extraordinary circumstances" means the measurable effects of development which will require mitigation by the affected local government and which exceed the total of the current adopted impact fee amount combined with any increase as provided in paragraphs (6)(c), (d), and (e) in less than 4 years.

(6) A local government, school district, or special district may increase an impact fee only as provided in this subsection.

(g) A local government, school district, or special district may increase an impact fee rate beyond the phase-in limitations established under paragraph (b), paragraph (c), paragraph (d), or paragraph (e) by establishing the need for such increase in full compliance with the requirements of subsection (4), provided the following criteria are met:

1. A demonstrated-need study using a plan-based methodology justifying any increase in excess of those authorized in paragraph (b), paragraph (c), paragraph (d), or paragraph (e) has been completed within the 12 months before the adoption of the impact fee increase and expressly demonstrates the extraordinary circumstances necessitating the need to exceed the phase-in limitations.

a. An increase in a nontransportation impact fee may not be adopted unless the extraordinary circumstances demonstrated in the demonstrated-need study include at least two of the following:

(I) The population of the local government jurisdiction over the past 5 years exceeds, by at least 10 percent, the population estimates and projections used to justify the most recent impact fee increase.

(II) The average number of building permits issued by the local government over the past 5 years exceeds, by at least 10 percent, the building permit estimates and projections used to justify the most recent impact fee increase.

(III) The employment base within the local jurisdiction over the past 5 years exceeds the employment estimates and projections used to justify the most recent impact fee.

(IV) The existing level of service grade will be lowered without an increase in the impact fee rate.

b. An increase in a transportation impact fee may not be

adopted unless the extraordinary circumstances demonstrated in the demonstrated-need study include at least three of the following:

(I) Any condition provided in sub-subparagraph a.

(II) Cost growth over the past 5 years which exceeds, by an average of at least 10 percent, the Federal Highway Administration's National Highway Construction Cost Index average used to justify the previous impact fee increase.

(III) The vehicle miles traveled in the past 5 years exceed, by at least 10 percent, the Department of Transportation's vehicle miles traveled index average used to justify the most recent impact fee.

(IV) The per-lane mile cost estimates for construction for the past 5 years exceed, by at least 10 percent, the Department of Transportation's average used to justify the most recent impact fee.

c. An increase in an impact fee for an independent special district may not be adopted unless the extraordinary circumstances demonstrated in the demonstrated-need study include all of the following:

(I) The amount of growth experienced in the past 5 years and anticipated within the district requires a significant immediate infrastructure investment to serve such growth which will need to be financed by the special district with impact fees.

(II) The cost of infrastructure investment required to be financed by the district in the next 5 years is increasing the need for public facilities and has a direct impact on the fee amount needed to finance the additional infrastructure for the benefit of the growth.

(III) The existing level of service will be impacted without an increase in the impact fee rate.

2. The local government jurisdiction has held not fewer ~~less~~ than two publicly noticed workshops dedicated to the extraordinary circumstances necessitating the need to exceed the phase-in limitations set forth in paragraph (b), paragraph (c), paragraph (d), or paragraph (e).

3. The impact fee increase ordinance is approved by at least a two-thirds vote of the governing body.

A local government may not increase an impact fee rate beyond the phase-in limitations under this paragraph if the local government has not increased the impact fee within the past 5 years. Any year in which the local government is prohibited from increasing an impact fee because the jurisdiction is in a hurricane disaster area is not included in the 5-year period.

Section 4. Subsection (8) is added to section 166.033, Florida Statutes, to read:

166.033 Development permits and orders.—

(8) A municipality may not as a condition of processing or

issuing any development permit or development order require an applicant to install a work of art, pay a fee for a work of art, or reimburse the municipality for any costs that the municipality may incur related to a work of art. Any ordinance or regulation in conflict with this subsection is void and unenforceable.

Section 5. Paragraph (d) of subsection (2) of section 212.055, Florida Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(d) The proceeds of the surtax authorized by this subsection and any accrued interest shall be expended by the school district, within the county and municipalities within the

county, or, in the case of a negotiated joint county agreement, within another county, to finance, plan, and construct infrastructure; to acquire any interest in land for public recreation, conservation, or protection of natural resources or to prevent or satisfy private property rights claims resulting from limitations imposed by the designation of an area of critical state concern; to provide loans, grants, or rebates to residential or commercial property owners who make energy efficiency improvements to their residential or commercial property, if a local government ordinance authorizing such use is approved by referendum; or to finance the closure of county-owned or municipally owned solid waste landfills that have been closed or are required to be closed by order of the Department of Environmental Protection. Any use of the proceeds or interest for purposes of landfill closure before July 1, 1993, is ratified. The proceeds and any interest may not be used for the operational expenses of infrastructure, except that a county that has a population of fewer than 75,000 and that is required to close a landfill may use the proceeds or interest for long-term maintenance costs associated with landfill closure. Counties, as defined in s. 125.011, and charter counties may, in addition, use the proceeds or interest to retire or service indebtedness incurred for bonds issued before July 1, 1987, for infrastructure purposes, and for bonds subsequently issued to refund such bonds. Any use of the proceeds or interest for

purposes of retiring or servicing indebtedness incurred for refunding bonds before July 1, 1999, is ratified.

1. For the purposes of this paragraph, the term "infrastructure" means:

a. Any fixed capital expenditure or fixed capital outlay associated with the construction, reconstruction, or improvement of public facilities that have a life expectancy of 5 or more years, any related land acquisition, land improvement, design, and engineering costs, and all other professional and related costs required to bring the public facilities into service. For purposes of this sub-subparagraph, the term "public facilities" means facilities as defined in s. 163.3164 ~~s. 163.3164(41)~~, s. 163.3221(13), or s. 189.012(5), and includes facilities that are necessary to carry out governmental purposes, including, but not limited to, fire stations, general governmental office buildings, and animal shelters, regardless of whether the facilities are owned by the local taxing authority or another governmental entity.

b. A fire department vehicle, an emergency medical service vehicle, a sheriff's office vehicle, a police department vehicle, or any other vehicle, and the equipment necessary to outfit the vehicle for its official use or equipment that has a life expectancy of at least 5 years.

c. Any expenditure for the construction, lease, or maintenance of, or provision of utilities or security for,

facilities, as defined in s. 29.008.

d. Any fixed capital expenditure or fixed capital outlay associated with the improvement of private facilities that have a life expectancy of 5 or more years and that the owner agrees to make available for use on a temporary basis as needed by a local government as a public emergency shelter or a staging area for emergency response equipment during an emergency officially declared by the state or by the local government under s. 252.38. Such improvements are limited to those necessary to comply with current standards for public emergency evacuation shelters. The owner must enter into a written contract with the local government providing the improvement funding to make the private facility available to the public for purposes of emergency shelter at no cost to the local government for a minimum of 10 years after completion of the improvement, with the provision that the obligation will transfer to any subsequent owner until the end of the minimum period.

e. Any land acquisition expenditure for a residential housing project in which at least 30 percent of the units are affordable to individuals or families whose total annual household income does not exceed 120 percent of the area median income adjusted for household size, if the land is owned by a local government or by a special district that enters into a written agreement with the local government to provide such housing. The local government or special district may enter into

a ground lease with a public or private person or entity for nominal or other consideration for the construction of the residential housing project on land acquired pursuant to this sub-subparagraph.

f. Instructional technology used solely in a school district's classrooms. As used in this sub-subparagraph, the term "instructional technology" means an interactive device that assists a teacher in instructing a class or a group of students and includes the necessary hardware and software to operate the interactive device. The term also includes support systems in which an interactive device may mount and is not required to be affixed to the facilities.

2. For the purposes of this paragraph, the term "energy efficiency improvement" means any energy conservation and efficiency improvement that reduces consumption through conservation or a more efficient use of electricity, natural gas, propane, or other forms of energy on the property, including, but not limited to, air sealing; installation of insulation; installation of energy-efficient heating, cooling, or ventilation systems; installation of solar panels; building modifications to increase the use of daylight or shade; replacement of windows; installation of energy controls or energy recovery systems; installation of electric vehicle charging equipment; installation of systems for natural gas fuel as defined in s. 206.9951; and installation of efficient

lighting equipment.

3. Notwithstanding any other provision of this subsection, a local government infrastructure surtax imposed or extended after July 1, 1998, may allocate up to 15 percent of the surtax proceeds for deposit into a trust fund within the county's accounts created for the purpose of funding economic development projects having a general public purpose of improving local economies, including the funding of operational costs and incentives related to economic development. The ballot statement must indicate the intention to make an allocation under the authority of this subparagraph.

Section 6. This act shall take effect July 1, 2025.

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: CS/HB 665	**COMPANION BILL:** CS/SB 482 (DiCeglie)
TITLE: Local Government Impact Fees and Development Permits and Orders	**LINKED BILLS:** None
SPONSOR(S): Steele	**RELATED BILLS:** None

Committee References

Housing, Agriculture & Tourism (16 Y, 1 N) ➤ Intergovernmental Affairs (16 Y, 0 N, As CS) ➤ Commerce

SUMMARY

Effect of the Bill:

The bill prohibits a county or municipality from requiring an applicant for a development permit or development order to install a work of art, pay a fee for a work of art, or reimburse the local government for any costs that the local government may incur related to a work of art, as a condition of processing or issuing the development permit or development order.

The bill also amends the Florida Impact Fee Act (Act) to define "extraordinary circumstances" and requires a local government seeking to increase an impact fee rate beyond the phase-in limitations established by the Act to conduct a demonstrated-need study using a plan-based methodology and requires the demonstrate-need study to show the presence of certain factors.

Fiscal or Economic Impact:

The bill has an indeterminate impact on the private sector and local governments.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

Development Permits and Orders

The bill prohibits a local government[1] from requiring an applicant to install a work of art, pay a fee for a work of art, or reimburse the local government for any costs that the local government may incur related to a work of art, as a condition of processing or issuing a development permit or development order. The bill provides that any ordinance or regulation in conflict with this provision is void and unenforceable. (Section 1 for counties; Section 4 for municipalities.)

Florida Impact Fee Act

For purposes of the Florida Impact Fee Act (Act), the bill defines "extraordinary circumstances" to mean the measurable effects of development which will require mitigation by the affected local government and which exceed the total of the current adopted impact fee combined with any increase allowed under the Act's phase-in limitations in less than four years.

The bill requires any local government seeking to increase an impact fee rate beyond the phase-in limitations established by the Act to conduct a demonstrated-need study that uses a plan-based methodology. The demonstrated-need study must also show:

[1] Local government means any county or municipality. *See* s. 163.3164(29), F.S.

- For non-transportation impact fees, two of the following:
    - The population of the local government jurisdiction over the past five years exceeds, by at least 10 percent, the population estimates and projections used to justify the most recent impact fee increase.
    - The average number of building permits issued by the local government over the past five years exceeds, by at least 10 percent, the building permit estimates and projections used to justify the most recent impact fee increase.
    - The employment base within the local jurisdiction over the past five years exceeds the employment estimates and projections used to justify the most recent impact fee.
    - The existing level of service grade will be lowered without an increase in the impact fee rate.
- For transportation impact fees, three of the following:
    - Any of the above factors for non-transportation impact fees.
    - Cost growth over the past five years which exceeds, by an average of at least 10 percent, the Federal Highway Administration's National Highway Construction Cost Index average used to justify the previous impact fee increase.
    - The vehicle miles traveled in the past five years exceed, by at least 10 percent, the Department of Transportation's vehicle miles traveled index average used to justify the most recent impact fee.
    - The per-lane mile cost estimates for construction for the past five years exceed, by at least 10 percent, the Department of Transportation's average used to justify the most recent impact fee.
- For impact fees levied by independent special districts, all of the following:
    - The amount of growth experienced in the past five years and anticipated within the district requires a significant immediate infrastructure investment to serve such growth which will need to be financed by the special district with impact fees.
    - The cost of infrastructure investment required to be financed by the district in the next five years is increasing the need for public facilities and has a direct impact on the fee amount needed to finance the additional infrastructure for the benefit of the growth.
    - The existing level of service will be impacted without an increase in the impact fee rate. (Section 3.)

The bill also prohibits a local government from increasing its impact fee rate beyond the phase-in limitations if the local government has not increased its impact fee within the past five years. Any year in which the local government is prohibited from increasing an impact fee because the jurisdiction is in a hurricane disaster area is not included in the five-year period. (Section 3.)

The bill defines a "plan-based methodology" as the use of the most recent and localized data to project growth within a jurisdiction over a six-year period and the anticipated capacity impacts created by that projected growth, and the creation of a list of capital improvements or infrastructure as defined in the Act to be constructed in a defined time period to mitigate those impacts as part of a new or updated impact fee study. (Section 2.)

The bill has an effective date of July 1, 2025. (Section 4.)

FISCAL OR ECONOMIC IMPACT:

LOCAL GOVERNMENT:

The bill has an indeterminate impact on local governments that condition the approval of a development permit or order on an applicant installing a work of art, paying a fee for a work of art, or reimbursing the local government for any costs incurred related to a work of art. The cities and counties that have such requirements regarding works of art will no longer be able to use public funds to subsidize the construction of art in those communities.

PRIVATE SECTOR:

The bill has an indeterminate impact on developers.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Development-Funded Public Art

Under current law, local governments in Florida are not prohibited from requiring an applicant to install a work of art, pay a fee for a work of art, or reimburse the local government for any costs that the local government may incur related to a work of art, as a condition of the local government processing or issuing a development permit[2] or development order.[3]

Some counties and municipality have adopted ordinances requiring developers to fund public art. For example, the City of Naples requires all proposed projects containing new non-residential square footage, and all mixed-use projects to the extent that non-residential square footage is included, to either:

- Pay an established fee into the public art fund, which is non-refundable; or
- Obtain approval to acquire and install artwork on site for the proposed project. The artwork may be either an existing piece or a commissioned piece of art that is of equal or greater value than the established fee. The developer pays the established fee, which is then held in escrow and reimbursed to the developer as the artwork is acquired and installed.[4]

Similarly, the City of Tampa requires private developers that construct certain commercial structures to contribute one percent of the construction or reconstruction costs up to $200,000 dollars to "the provision of fine art in conjunction with" the commercial structure to be built.[5] Alternatively, if the private developer or owner does not want to provide fine art, then the developer or owner may make a charitable donation of one percent of the construction or reconstruction costs to the City of Tampa.[6]

On the other hand, the City of Fort Meyers encourages, rather than requires, private developers to fund public art.[7]

Impact Fees

Impact fees are a type of regulatory fee "imposed by local governments against new development to provide for capital facilities' costs made necessary by population growth. Rather than imposing the costs of these additional capital facilities upon the general public, the purpose of impact fees is to shift the expense burden to newcomers."[8] Examples of capital facilities include the provision of additional water and sewer systems, schools, libraries, parks and recreation facilities.[9] Impact fees are typically assessed using a fee schedule that sets forth the charge per type

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[2] A development permit includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land. S. 163.3164(16), F.S.

[3] A development order means any order that grants, denies, or grants with conditions an application for a development order. S. 163.3164(15), F.S.

[4] *See* Ord. No. 06-11447, codified as sections 46-42 of the Code of Ordinances, City of Naples, Fla. (Nov. 22, 2024), https://library.municode.com/fl/naples/codes/code_of_ordinances?nodeId=PTIICOOR_CH46ADPREN_ARTIIADPR_S46-42PUAR (last visited Mar. 12, 2025). The amount of the fee is determined by resolution of the Naples City Council and is currently set at $1.00 per square foot. The fee must be paid when the permit is issued.

[5] *See* Ord. No. 2000-227, codified as sections 27-436 and 27-441 of the Code of Ordinances, City of Tampa, Fla. (Aug. 31, 2000), https://www.tampa.gov/art-programs/Info/ordinance?utm_source=direct&utm_medium=alias&utm_campaign=tampagovnet (last visited Mar. 12, 2025).

[6] *Id.*

[7] *See* Ordinance Ord. No. 3890, codified as section 118.7.6 of the Code of Ordinances, City of Fort Meyers, Fla. (Jan. 1, 2020), https://library.municode.com/fl/fort_myers/codes/code_of_ordinances?nodeId=SPBLADECO_CH118LAUSRE_ART7COAP_118.7.6PUAR (last visited Mar. 12, 2025).

[8] Florida's Office of Economic and Demographic Research, *Local Government Financial Information Handbook* (Nov. 2016), p. 13, https://edr.state.fl.us/Content/local-government/reports/lgfih16.pdf (last visited Mar. 12, 2025).

[9] Florida Housing Finance Corporation, *Overview of Impact Fees and Affordable Housing* (Oct. 2017), p. 1, https://www.floridahousing.org/docs/default-source/aboutflorida/august2017/october2017/TAB_3.pdf (last visited Mar. 12, 2025).

of dwelling unit or per square footage of floor space.[10] The charges are usually paid at the time the building permit is approved.[11]

The Florida Impact Fee Act (Act) provides requirements and procedures to be followed by a county, municipality, or special district when it adopts an impact fee.[12] Impact fees must meet the following minimum criteria when adopted:

- The fee must be calculated based on a study using the most recent and localized data available within four years of the update.
- The local government adopting the impact fee must account for and report impact fee collections and expenditures. If the fee is imposed for a specific infrastructure need, the local government must account for those revenues and expenditures in a separate accounting fund.
- Charges imposed for the collection of impact fees must be limited to the actual administrative costs.
- All local governments must give notice of a new or increased impact fee at least 90 days before the new or increased fee takes effect, but need not wait 90 days before decreasing, suspending, or eliminating an impact fee. Unless the result reduces total mitigation costs or impact fees on an applicant, new or increased impact fees may not apply to current or pending applications submitted before the effective date of an ordinance or resolution imposing a new or increased impact fee.
- A local government may not require payment of the impact fee before the date of issuing a building permit for the property that is subject to the fee.
- The impact fee must be reasonably connected to, or have a rational nexus with, the need for additional capital facilities and the increased impact generated by the new residential or commercial construction.
- The impact fee must be reasonably connected to, or have a rational nexus with, the expenditures of the revenues generated and the benefits accruing to the new residential or commercial construction.
- The local government must specifically earmark revenues generated by the impact fee to acquire, construct, or improve capital facilities to benefit new users.
- The local government may not use revenues generated by the impact fee to pay existing debt or for previously approved projects unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact generated by the new residential or commercial construction.[13]

Under the Act, a county, municipality, school district, or special district may increase in impact fee subject to the following phase-in limitations:

- Increases of up to 25 percent of the current rate must be implemented in two equal annual increments beginning with the date on which the increased fee is adopted.
- Increases between 25 and 50 percent of the current rate must be implemented in four equal annual increments beginning with the date on which the increased fee is adopted.
- An impact fee increase may not exceed 50 percent of the current impact fee rate.
- An impact fee may not be increased more than once every four years.[14]

A county, municipality, school district, or special district may also increase an impact fee rate beyond these phase-in limitations by establishing the need for the increase, provided the following criteria are met:

- A demonstrated-need study justifying any increase in excess of those authorized by the Act has been completed within the 12 months before the adoption of the impact fee increase and expressly demonstrates the extraordinary circumstances necessitating the need to exceed the phase-in limitations.
- The local government jurisdiction has held not less than two publicly noticed workshops dedicated to the extraordinary circumstances necessitating the need to exceed the phase-in limitations set forth in the Act.
- The impact fee increase ordinance is approved by at least a two-thirds vote of the governing body.[15]

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[10] *Id.*
[11] *Id.*
[12] S. 163.31801, F.S.
[13] S. 163.31801(4), F.S.
[14] S. 163.31801(6)(b)–(e), F.S.
[15] S. 163.31801(6)(g), F.S.

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2024	CS/HB 479	Robinson, W.	Martin	Passed both chambers and approved by the Governor.
2023	CS/CS/HB 235	Robinson, W.	Brodeur	Died in the House.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Housing, Agriculture & Tourism Subcommittee	16 Y, 1 N	3/18/2025	Curtin	Fletcher
Intergovernmental Affairs Subcommittee	16 Y, 0 N, As CS	4/9/2025	Darden	Darden
THE CHANGES ADOPTED BY THE COMMITTEE:	• Provides that county or municipal ordinances and regulations requiring a work of art as part of issuing a development permit or order are void and unenforceable. • Defines "plan-based methodology" and requires demonstrated-need studies to use a plan-based methodology. • Revises definition of "extraordinary circumstances." • Establishes criteria for determining when extraordinary circumstances are present. • Prohibits a local government from increasing impact fees beyond phase-in limitations if the local government has not increased impact fees in the past five years.			
Commerce Committee				

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.

FLC Bill Summaries – SB 482 and HB 665

Under current law, local governments cannot increase impact fees by more than 50% over a four-year period without conducting an "extraordinary circumstances" study to justify the higher rate.

CS/SB 482 (2025) by DiCeglie and CS/HB 665 (2025) by Steele would have revised the definition and calculation for “extraordinary circumstances” to be based on a variety of factors, including population, building permits, employment, and levels of service. A local government would have been prohibited from utilizing extraordinary circumstances to raise impact fees if it had not raised impact fees in the preceding five years. The bills would have provided that an increase in a nontransportation impact fee may not be adopted unless the extraordinary circumstances demonstrated in the demonstrated-need study included at least two of the following:

- The population of the local government’s jurisdiction over the past five years exceeds, by at least 10%, the population estimates and projections used to justify the most recent impact fee increase
- The average number of building permits issued by the local government over the past five years exceeds, by at least 10%, the building permit estimates and projections used to justify the most recent impact fee increase
- The employment base within the local jurisdiction over the past five years exceeds the employment estimates and projections used to justify the most recent impact fee increase
- The existing level of service grade will be lowered without an increase in the impact fee rate

The bills also would have provided that an increase in a transportation impact fee may not be adopted unless the extraordinary circumstances demonstrated in the demonstrated-need study included at least three of the following:

- Any condition that would justify an increase in a nontransportation impact fee
- Cost growth over the past five years which exceeds, by an average of at least 10%, the Federal Highway Administration’s National Highway Construction Cost index average used to justify the previous impact fee increase
- The vehicle miles traveled in the past five years exceed, by at least 10%, the Department of Transportation’s vehicle miles traveled index average used to justify the most recent impact fee

- The per-lane mile cost estimates for construction for the past five years exceed, by at least 10%, the Department of Transportation average used to justify the most recent impact fee

Flagler Home Builders Association Will Sue Palm Coast Over Parks, Fire and Road Impact Fee Increases

AUGUST 27, 2025 | FLAGLERLIVE | — 37 COMMENTS

The Flagler Home Builders Association showed its muscle last March when the mayor was pushing for a building moratorium. It is showing it again with notice of a lawsuit it will file against the city, disputing recently adopted impact fee increases. (© FlaglerLive)

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apply until Oct. 1.

The HBA today sent a 14-day notice to the city of its intent to sue, as is required before a civil lawsuit is filed against a government. The suit would be filed on behalf of HBA, five construction companies and two city residents.

The pending action argues that the city's new schedule violated the law by raising fees too sharply and too quickly, without a substantiated showing of "extraordinary circumstances" that would justify the sharper increase, among other alleged violations.

"We believe the notice of violation accurately states the law as well as the defects and deficiencies of these ordinances," Annamaria Long, Executive Officer of the Flagler Home Builders Association, is quoted as saying in a release by HBA. "We are committed to protecting citizens and ensuring a fair business environment in our community."

A city spokesperson said the city had received the notice and was reviewing it.

Palm Coast Vice Mayor Theresa Pontieri, who pressed for higher impact fees with three different council colleagues last year and again this year, countered HBA's notice in strong language today.

"It's unfortunate that at a time when our city has experienced incredible growth and unprecedented increases in infrastructure construction costs, our homebuilder's association would find it necessary to threaten us with legal action, rather than recognize the importance of growth paying for itself—which it never truly does," Pontieri wrote in a statement to FlaglerLive. "Impact fees are a necessary cost of doing business, and they ensure that the city's future infrastructure needs and public safety are adequately funded. Providing residents with fire stations and safe roads is not optional—it's our duty. Additionally, providing for parks and recreation keeps families healthy and active. Its unfortunate that we, as public officials, have to defend our quality of life to the HBA—the same folks that earn money by selling houses in the very community we work so hard to keep safe and beautiful."

Notably, the HBA's action is also an outgrowth of recently passed and controversial legislation that forbids local governments from adopting land-development regulations that would be burdensome to developers. The legislation, known as Senate Bill 180, largely addresses recovery measures after natural disasters, but also applies the "burdensome" prohibition across the board, whether an area is in recovery or not. The legislation is itself facing litigation and sweeping opposition from local governments.

Local and state officials have said it is very likely to be revised in the coming session. How that will affect litigation citing SB180 is unclear, though HBA's lawsuit is multi-pronged and would likely not be nullified if the burdensome" standard was narrowed.

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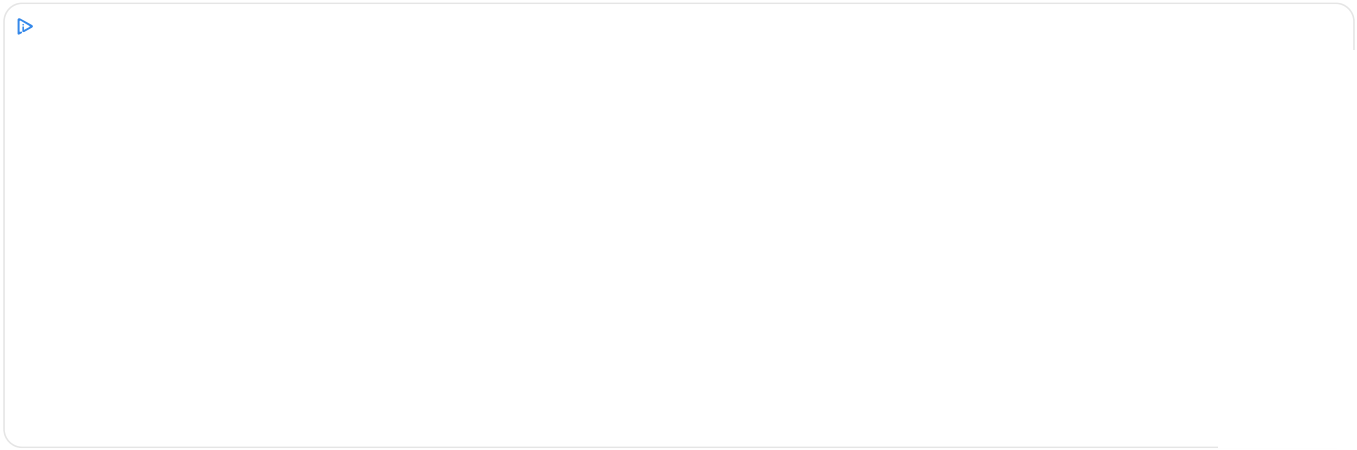
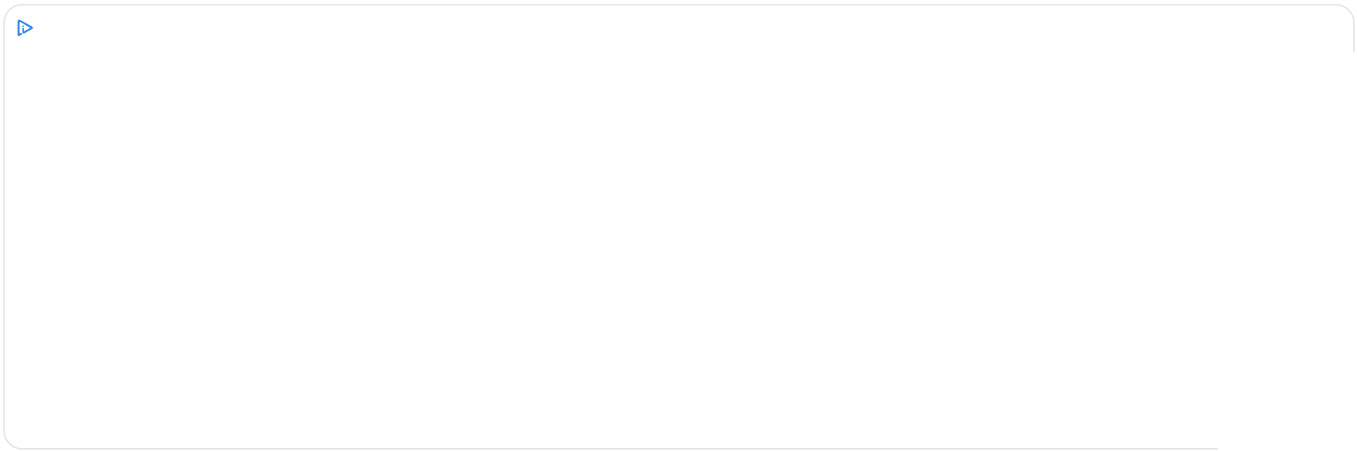
transportation fee 115 percent. The city increased water and sewer impact fees 30 percent last year.



The HBA states Palm Coast more than doubled combined impact fees on homes and businesses from a minimum of $5,764 to $11,646 as of October 1, 2025. When added to water and sewer fees, a 2,000 square foot home would carry at least $31,528 in impact fees, according to the association.

"It is incomprehensible," the HBA's notice states, "how over a 100% increase in impact fees with a $5,681 increase for a single family, 2,000 square foot home, could be anything but 'more burdensome'. The Ordinances would, therefore, be found null and void *ab initio*." That's Latin for "to start with," or "from the outset."

Impact fees are one-time fees, barely distinguishable from taxes, imposed on new development–houses, office buildings, industrial buildings–to defray the "impact" of that new development on the community. The impact fee revenue is intended to fund necessary infrastructure improvements and schools caused by a larger population, though fee revenue is generally not enough to meet all such needs.



Governments must justify the fees through rigorous studies that directly link population increases, including projections, with need. The HBA successfully argued several years ago that an attempt by the School Board to double its impact fees was based on a questionable study. The proposal was scaled back before it was approved. The HBA is making a similar argument in Palm Coast's case, focusing on the city's claim that "extraordinary circumstances" exist to justify the large increases.

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circumstances." Those are defined as population increases faster than the state average and unusually high construction costs. HBA claims Palm Coast failed to meet those standards.

"The impact fees are not proportional or reasonably connected to or have a rational nexus with the need for additional capital facilities for the properties as there was no effort whatsoever to apply such impact fees to neighborhoods or even regional areas within the City," the notice to the city states.

The notice was drafted by Daniel Webster, a Daytona Beach attorney. While he claims that the city's study lacked rigor, the same may be said of at least some parts of the notice, leaving them easy pickings for the sort of merciless attorney the city is in the habit of hiring to fight lawsuits.

Webster says, with questionable accuracy, that the city's study was not Palm Coast-specific, relying instead on national and state data. The city relied on such city and county-specific data as that provided by the University of Florida's Bureau of Economic and Business Research and the Census Bureau, both of which provide Palm Coast and Flagler County-specific data.

Webster states the city did not make a case for "extraordinary circumstances" other than to show that there was inflation, and that the local population increased, "which in Florida is the norm, certainly not extraordinary." The statement is disingenuous: while Florida's population has increased almost every year for decades, Fagler County's increases in some years after 2018 placed it among the fastest-growing counties in the state, with most of that growth in Palm Coast. That growth continued last year.

The notice also claims that "The Ordinances are unlawful because they are assessing impact fees for the reconstruction or replacement of previously existing structures." That would be illegal: impact fees may be used only to add capacity, not to repair or replace existing capacity. But in all publicly announced city projects, the city appears to have abided to that requirement quite strictly, and its administration is quick to remind council members what their impact fees may or may not fund.

For example, impact fee revenue is being used to build a new fire station in Seminole Woods (Fire Station 26). It has been used to expand a water treatment plant, and to add new amenities to existing parks. The notice does not include examples of violations of that standard.

therefore, cannot be benefiting those within the entire City and cannot be a need based on future growth or apportioned by neighborhood."

The reasoning assumes that, say, a new turning lane, a new fire station or a new park in one neighborhood would be a violation of impact fee use since it would not benefit the entire city, but that's not been the reasonable application of the standard since by necessity, almost all impact fee spending is geographically specific: even water treatment plants serve specific areas of the city.

The notice seems to go even further afield when it claims that "The City fire stations also serve areas outside of the City and utilize as personnel Flagler County Fire Department personnel operating out of City Stations, which also serve areas outside of the City. This was not addressed."

It is true that city fire stations serve areas outside the city: mutual-aid agreements are in place with Flagler County and Flagler Beach. That has been true since the founding of the city. It is also true that county personnel operate out of city fire stations. That's because the county alone operates ambulances, which are stationed jointly with city personnel as an efficiency measure. It is almost unimaginable that someone like Circuit Judge Christ France, before whom this lawsuit is likely to play out when filed, would find either of these arrangements objectionable or relevant to a case against higher impact fees.

Webster's claim that "There has been no allocation or explanation as to the current actual needs nor any study showing why additional stations or personnel are needed" is not accurate: the Fire Department produced data showing that the new station in Seminole Woods was needed because the area is underserved, and a new station would cut response time in half for many residents. (See: "As Seminole Woods Soon Gets Its Own Fire Station, Emergency Response Times May By Cut in Half for Many.")

Webster's arguments against the city's proportional calculations of needs may be sounder when he shows that the capital needs the city shows can be paid for through impact fees include all of the city's firefighters in the equation, rather just the 33 additional firefighters who would be needed through 2035.

Webster applies similar approaches to the city's transportation and parks impact fee calculations, finding them wanting and concluding that "there is an exceptionally strong case to overturn all three (3) Ordinances." (Each impact fee increase was ratified through a separate ordinance.)

"It is unfortunate that the consultants hired by the City, undoubtedly at a substantial cost to tax payers, failed to address the fundamental requirements required under the State's legal precedent," the notice concludes. "Additionally, the studies failed to mention or address the statutory changes, which were pending before the legislature, and approved by the Governor on June 26, 2025 – – which was four (4) days before the Ordinances were adopted."

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Christa Edwards
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August 27, 2025

Via Email Transmissions
Mayor Mike Norris
mnorris@palmcoastgov.com
Ty Miller, Council Member – District 1
tmiller@palmcoastgov.com
Theresa Pontieri, Council Member – District 2
tcarlipontieri@palmcoastgov.com
David Sullivan, Council Member – District 3
dsullivan@palmcoastgov.com
Charles Gambaro, Jr., Council Member – District 4
cgambaro@palmcoastgov.com
City of Palm Coast
160 Lake Avenue
Palm Coast, FL 32164

Via Federal Express
City of Palm Coast
Attn: City Clerk
160 Lake Avenue
Palm Coast, FL 32164

Re: City of Palm Coast ("City") Impact Fees
Ordinance 2025-10 - - Amending Fire and Rescue Impact Fees
Ordinance 2025-11 - - Amending Parks System Impact Fees
Ordinance 2025-12 - - Amending Transportation Impact Fees

Dear Mayor and Council Members:

I have the privilege of representing the Flagler County – Palm Coast Homebuilders Association, Inc. ("Association"), Intracoastal Construction, LLC, Integrity Homes USA, LLC, Thomas Consulting and Construction, LLC, 1621 Building and Remodeling, LLC and Florida Green Building Construction, Inc., which are contractors and/or real estate developers doing business in the City of Palm Coast; and William R. Barrick and Brad M. Thomas, who are residents of the City of Palm Coast.

With respect to Ordinances referenced above, this letter shall constitute legal notice pursuant to Section 252.42, Florida Statutes, as adopted pursuant to Section 18, Senate Bill No. 180, and pursuant to Section 28, Senate Bill No. 180, that the above-referenced Ordinances ("Ordinances") are in violation of the respective sections and the State of Florida legal precedent pertaining to impact fees.

FLORIDA'S NEWSPAPER FOR THE C-SUITE
Business Observer

Manatee receives threat of litigation over increased impact fees

Freedom Housing Alliance Inc. says the impact fee increase — it could go from $13,442 for a house to more than $33,000 — violates state statute.

By Lesley Dwyer | 5:00 a.m. July 16, 2025 | 2 Free Articles Remaining!

Manatee County commissioners hold the second of two required public hearings May 8 to request "extraordinary circumstances" from the state to raise impact fees.

Photo by Lesley Dwyer

MANATEE-SARASOTA

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Bottom line

Key takeaway: Manatee County officials face a potential lawsuit from a homebuilding group that alleges raising impact fees, as the county plans to do in September, is a violation of a new state law.

Core challenge: County officials across the region are grappling with how to pay for infrastructure costs while also not curtailing efforts to stunt housing supply growth.

What's next: The fees are scheduled to begin in September.

Manatee County commissioners have been warned they face a lawsuit if they follow through with plans to impose higher impact fees, which are scheduled to go into effect Sept. 9.

Impact fees are charged on new residential and commercial developments to offset the county's costs for the infrastructure that the ensuing growth will require, such as roads, parks and libraries.

Local property rights attorney Bill Moore, with Sarasota-based Moore Bowman & Reese P.A., sent a Notice of Violation, dated June 30, to commissioners, which reads:

"The cause of said violation is that the changes to county impact fees amount to significant increased charges to homebuilders within specific hurricane impacted areas, including Manatee County and are 'more restrictive and burdensome' than the previous impact fee charges assessed."

The letter cites Senate Bill 180 as strictly forbidding "such burdensome regulations" through October 2027.

SB 180, sponsored by Sen. Nick DiCeglie, R-St. Petersburg, and signed by Gov. Ron DeSantis June 26, prohibits a local government from adding more restrictive or burdensome amendments to its comprehensive plan or land development code.

Moore sent the notice on behalf of Freedom Housing Alliance Inc. The Florida Division of Corporations lists Jon Mast, CEO of the Suncoast Builders Association, as the nonprofit's registered agent.

Mast wouldn't comment on the letter because of possible litigation, but he did agree to talk about impact fees and SB 180 in general with the *East County Observer*, sister paper of the *Business Observer*.

Mast contends the increase will cripple the local economy and won't remedy the county's current problems, such as roads that are over capacity, because impact fees only cover new improvements.

Impact fees can't pay to refurbish a library, he adds. They can only be used to build a new library.

New impact fee schedule

The new impact fee schedule goes into effect Sept. 9. For the complete list, visit MyManatee.org.

Residential

- **$27,459** for a 1,500-square-foot single-family home
- **$33,875** for a 2,201-plus-square-foot single-family home
- **$26,152** for a 1,500-square-foot townhome
- **$32,209** for a 2,201-plus-square-foot townhome
- **$24,785** for a 1,500-square-foot apartment
- **$25,193** for a 2,201-plus-square-foot apartment
- **$16,934** for a 1,500-square-foot mobile home
- **$17,342** for a 2,201-plus-square-foot mobile home

Commercial (per square foot)

- **$18,854** for office and other services
- **$20,661** for hospitals
- **$3,509** for warehouses
- **$8,482** for light industrial uses
- **$7,442** for nursing homes
- **$26,191** for daycares
- **$14,827** for commercial shopping centers under 40,000 square feet
- **$28,635** for commercial shopping centers over 150,000 square feet

Commercial (per unit)

- **$4,756** for hotels (per room)
- **$2,540** for assisted living facilities (per dwelling unit)
- **$27,072** for gas stations/convenience stores less than 2,000 square feet (per gas pump)
- **$54,464** for gas stations/convenience stores over 5,500 square feet (per gas pump)

Commissioners had to claim extraordinary circumstances to raise the impact fees to 100% of the current collection rate.

Without claiming extraordinary circumstances, state statute limits increases to 50% over four years. Once raised, the fees can’t be raised again for another four years.

Up until Jan. 1, Manatee County had been collecting 90% of 2015 collection rates. An updated study with 2023 collection rates was adopted in August 2024, and a 12.5% increase went into effect Jan. 1, which falls in line with the state’s guidelines.

The notice asserts that claiming extraordinary circumstances to raise the fees beyond the state guidelines violates the “more burdensome” language in SB 180.

Mast argues that, not only is the move against the law, the upcoming increase is so significant it will devastate small builders and anyone looking to develop commercial properties. He singled out impact fees on daycare centers as particularly burdensome.

When the new fee schedule is adopted in September, a daycare center will incur an impact fee of $26,191 per 1,000 square feet. That's higher than any other business or service except for large commercial shopping centers and gas stations that include convenience stores.

Mast referenced a study conducted by the National Association of Homebuilders to emphasize the fees will also impact housing affordability in the area. The 2025 report shows that for every $1,000 increase on a median-priced new home, 115,593 American families are priced out of the market.

Mast says developers will pass that expense on to buyers because they still have to pay for the same amount of supplies and subcontractors, and set enough funds aside to guarantee the home for seven years, per Florida statute.

He also notes home prices are already on the rise, with President Donald Trump's 50% copper tariff going into effect Aug. 1 because most copper supplies come from Chile.

“There are 52 subcontractors that work on a home, plus closing agents, attorneys, bankers and suppliers,” Mast says. “It’s all the trades. It’s an ecosystem. Commercial follows rooftops — businesses, warehouses, restaurants, physicians, dentists and grocery stores.”

Commissioner Bob McCann says impact fees have nothing to do with an emergency management statute (Senate Bill 180).

Photo by Lesley Dwyer

SB 180 is legislation that aids hurricane recovery efforts, yet impact fees are only paid once. Replacing a home destroyed by a hurricane wouldn't require another fee because the original home already established its impact on the area.

However, Mast says the ecosystem, created by development, is the overarching reason SB 180 prohibits commissioners from raising impact fees on new homes.

Mast says every Florida governor for the past 20 years has passed legislation following a hurricane to ensure the economy continues to grow. New development provides new property taxes to replace those that were damaged.

He adds impact fees are meant to support growth —not bail out the local government for poor planning.

Commissioner Bob McCann, whose district covers Lakewood Ranch, one of the faster growing parts of Manatee County, doesn't necessarily see it that way.

"We're not trying to go back and fix what's already broken with impact fees," McCann says. "We're trying to mitigate it from continuing to break over and over again. We need time to catch up."

In January, McCann discussed a possible building moratorium on new housing developments, but the idea didn't develop into an action. While higher impact fees can't stop new development, he says, they could slow it down if builders decide to take their business to counties that charge less.

Sarasota County separates its fees into three categories — impact fees, educational systems fees and mobility fees — but still charges less than Manatee County. When adding the fees together, a developer today pays between $10,117 and $13,197 to build a 2,000-square-foot home in Sarasota, depending on where the home is located.

Building the same home in Manatee County today costs between $13,442 and $16,328 in impact fees, including educational impact fees. When the new fee schedule takes effect, the impact fee will be $33,875.

Jon Mast is the CEO of the Suncoast Builders Association. His wife Teresa Mast is a Sarasota County commissioner.

The Suncoast Builders Association represents builders in both counties. Mast's wife, Teresa Mast, is a Sarasota County commissioner.

Jon Mast, meanwhile, uses Hillsborough County as an example of what happens when growth is stymied. In 2019, officials enacted a growth moratorium in rural areas to prevent urban sprawl.

He says builders brought their projects to other counties, Sarasota and Manatee included, and now Hillsborough is left without enough tax dollars to fund its roads.

But when discussing the lower impact fees in Sarasota County, McCann argues Sarasota is running out of money charging those rates.

“(Developers) did the same thing there that they tried to do here,” he says. “They said Senate Bill 250 and 180 and all these things prevent you from doing anything with land use.”

McCann, also an attorney, argues impact fees are not directly related to land use because the fees only pay for the privilege of building on that land. It can’t be more restrictive or burdensome to pay the fair share of what was already required, he contends.

He also says that impact fees have nothing to do with emergency management statutes, such as SB 180.

The Notice of Violation sent by Moore asks that actions be taken to withdraw the impact fee increase immediately. But the majority of commissioners have made it clear since the 2024 election that they would rather be sued than accept less than the fee schedule going into effect Sept. 9.

Commission Chair George Kruse tried to convince the last board to take this action, and Commissioner Tal Siddique called impact fees “a fight worth having.”

Commissioners Mike Rahn and Amanda Ballard expressed concerns that the higher impact fees could drive businesses away and negatively affect the county’s future economic development. (Rahn is a banker specializing in residential mortgages and past president of the Home Builders Association of Sarasota-Manatee.)

By the numbers: impact fees

Jon Mast, CEO of the Suncoast Builders Association, did some calculations of how much more the new impact fees, scheduled to take effect Sept. 9, will cost builders in Manatee County versus the county's current fee schedule. Hikes include:

- **$22,100 more** if building a 10,000-square-foot warehouse
- **$703,178 more** if building a 40-000-square-foot commercial center
- **$1,440,000 more** if building 20 single-family homes a year for four years
- **$2,138,100 more** if building a 150-unit multi-family project over 1,301 square feet per unit

Manatee County Commission Chair George Kruse calls the increased fees “a big percent of a little number” because Manatee County has not charged 100% of its impact fees since 2008.

This story originally appeared in the the East County Observer, sister paper of the Business Observer.

AUTHOR

Lesley Dwyer

Lesley Dwyer is a staff writer for East County and a graduate of the University of South Florida. After earning a bachelor’s degree in professional and technical writing, she freelanced for the Sarasota Herald-Tribune. Lesley has lived in the Sarasota area for over 25 years.

Latest News

Platting Update

An act relating to platting; amending s. 177.071, F.S.; requiring that certain plat or replat submittals be administratively approved with no further action by certain entities under certain circumstances; requiring the governing body of such county or municipality to designate an administrative authority to receive, review, and process plat or replat submittals; providing requirements for such designation; defining the term "administrative authority"; requiring the administrative authority to submit a certain notice to an applicant; providing requirements for such notice; requiring the administrative authority to approve, approve with conditions, or deny a plat or replat submittal in accordance with the timeframe in the initial written notice to the applicant; requiring the administrative authority to notify the applicant in writing if it declines to approve a plat or replat submittal; requiring that the written notification contain the reasons for denial and other information; prohibiting the administrative authority or other official, employee, agent, or designee from requesting or requiring that the applicant request an extension of time; amending s. 177.111, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

Section 1. Section 177.071, Florida Statutes, is amended to read:

177.071 Administrative approval of plats ~~plat~~ by designated county or municipal official ~~governing bodies~~.—

(1)(a) A plat or replat submitted under this part must be administratively approved and no further action or approval by the governing body of a county or municipality is required if the plat or replat complies with the requirements of s. 177.091. The governing body of the county or municipality shall designate, by ordinance or resolution, an administrative authority to receive, review, and process the plat or replat submittal, including designating an administrative official responsible for approving, approving with conditions, or denying the proposed plat or replat.

(b) As used in this section, the term "administrative authority" means a department, division, or other agency of the county or municipality. For purposes of issuing a final administrative approval of a plat or replat submittal, the term also includes an administrative officer or employee designated by the governing body of a county or municipality, including but not limited to, a county administrator or manager, a city manager, a deputy county administrator or manager, a deputy city manager, an assistant county administrator or manager, an assistant city manager, or other high-ranking county or city department or division director with direct or indirect oversight responsibility for the county's or municipality's land development, housing, utilities, or public works programs.

(2) Within 7 business days after receipt of a plat or

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

replat submittal, the administrative authority shall provide written notice to the applicant acknowledging receipt of the plat or replat submittal and identifying any missing documents or information necessary to process the plat or replat submittal for compliance with s. 177.091. The written notice must also provide information regarding the plat or replat approval process, including requirements regarding the completeness of the process and applicable timeframes for reviewing, approving, and otherwise processing the plat or replat submittal.

(3) Unless the applicant requests an extension of time, the administrative authority shall approve, approve with conditions, or deny the plat or replat submittal within the timeframe identified in the written notice provided to the applicant under subsection (2). If the administrative authority does not approve the plat or replat, it must notify the applicant in writing of the reasons for declining to approve the submittal. The written notice must identify all areas of noncompliance and include specific citations to each requirement the plat or replat submittal fails to meet. The administrative authority, or an official, an employee, an agent, or a designee of the governing body, may not request or require the applicant to file a written extension of time.

(4) ~~(1)~~ Before a plat or replat is offered for recording, it must be administratively approved as required by this section ~~by the appropriate governing body~~, and evidence of such approval must be placed on the plat or replat. If not approved, the governing body must return the plat or replat to the professional surveyor and mapper or the legal entity offering the plat or replat for recordation. For the purposes of this

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part:

(a) When the plat or replat to be submitted for approval is located wholly within the boundaries of a municipality, the ~~governing body of the~~ municipality has exclusive jurisdiction to approve the plat or replat.

(b) When a plat or replat lies wholly within the unincorporated areas of a county, the ~~governing body of the~~ county has exclusive jurisdiction to approve the plat or replat.

(c) When a plat or replat lies within the boundaries of more than one county, municipality, or both ~~governing body~~, two plats or replats must be prepared and each county or municipality ~~governing body~~ has exclusive jurisdiction to approve the plat or replat within its boundaries, unless each county or municipality with jurisdiction over the plat or replat agrees ~~the governing bodies having said jurisdiction agree~~ that one plat is mutually acceptable.

(5)~~(2)~~ Any provision in a county charter, or in an ordinance of any charter county or consolidated government chartered under s. 6(e), Art. VIII of the State Constitution, which provision is inconsistent with anything contained in this section shall prevail in such charter county or consolidated government to the extent of any such inconsistency.

Section 2. Section 177.111, Florida Statutes, is amended to read:

177.111 Instructions for filing plats ~~plat~~.—After the approval by the appropriate administrative authority ~~governing body~~ required by s. 177.071, the plat or replat must ~~shall~~ be recorded by the circuit court clerk or other recording officer upon submission thereto of such approved plat or replat. The

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circuit court clerk or other recording officer shall maintain in his or her office a book of the proper size for such papers so that they will ~~shall~~ not be folded, to be kept in the vault. A print or photographic copy must be filed in a similar book and kept in his or her office for the use of the public. The clerk shall make available to the public a full size copy of the record plat or replat at a reasonable fee.

Section 3. This act shall take effect July 1, 2025.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/CS/SB 784
INTRODUCER:	Rules Committee; Judiciary Committee; Community Affairs Committee and Senator Ingoglia
SUBJECT:	Platting
DATE:	April 9, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Fleming	CA	**Fav/CS**
2.	Collazo	Cibula	JU	**Fav/CS**
3.	Hackett	Yeatman	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 784 amends state law in connection with how local governments review and approve plats. The bill requires local governments to review and approve plat and replat submittals administratively through a designated authority, and provides parameters on the administrative review process.

The bill takes effect July 1, 2025.

II. Present Situation:

Platting

In Florida law, a "plat" is a map or delineated representation of the subdivision of lands. It is a complete and exact representation of the subdivision and other information, in compliance with state law and any local ordinances.[1] Generally, platting is required whenever a developer wishes to subdivide a large piece of property into smaller parcels and tracts. These smaller areas become the residential lots, streets, and parks of a new residential subdivision.[2]

[1] Section 177.031(14), F.S.

[2] Harry W. Carls, Florida Condo & HOA Law Blog, *Why is a Plat so Important?* (May 17, 2018), https://www.floridacondohoalawblog.com/2018/05/17/why-is-a-plat-so-important/.

State law establishes consistent minimum requirements for the platting of lands but also authorizes local governments to regulate and control platting.[3] Prior to local government approval, the plat must be reviewed for conformity with state and local law and sealed by a professional surveyor and mapper employed by the local government.[4]

Before recording a plat, it must be approved by the appropriate local government, and evidence of the approval must be placed on the plat. If the plat is not approved, the local government must return the plat to the professional surveyor and mapper or the legal entity offering the plat for recordation.[5]

Jurisdiction over plat review and approval is as follows:

- When the plat to be submitted for approval is located entirely within the boundaries of a municipality, the governing body of the municipality has exclusive jurisdiction to approve the plat.
- When the plat lies entirely within the unincorporated areas of a county, the governing body of the county has exclusive jurisdiction to approve the plat.
- When the plat lies within the boundaries of more than one governing body, two plats must be prepared and each governing body has exclusive jurisdiction to approve the plat within its own boundaries, unless both governing bodies having jurisdiction agree that one plat is acceptable.[6]

To be recorded, every subdivision plat must include, in addition to other information required by statute, the following information:

- The name of the plat in bold legible letters. Each sheet of the plat must show the name of the subdivision, the professional surveyor and mapper or legal entity, and street and mailing address information.[7]
- The section, township, and range immediately under the name of the plat on each sheet included, along with the name of the city, town, village, county, and state in which the land being platted is situated.[8]
- The dedications and approvals prepared by the surveyor and mapper and the local government, as well as the circuit court clerk's certificate and the professional surveyor and mapper's seal and statement.[9]
- All section lines and quarter section lines occurring within the subdivision. If the description is by metes and bounds, all information called for, such as the point of commencement, course bearings and distances, and the point of beginning. If the platted lands are in a land grant or are not included in the subdivision of government surveys, then the boundaries must be defined by metes and bounds and courses.[10]
- The location, width, and names of all streets, waterways, or other rights-of-way.[11]

[3] Section 177.011, F.S.
[4] Section 177.081(1), F.S.
[5] Section 177.071(1) F.S.
[6] *Id.*
[7] Section 177.091(5), F.S.
[8] Section 177.091(10), F.S.
[9] Section 177.091(12)-(13), F.S.
[10] Section 177.091(14), F.S.
[11] Section 177.091(15), F.S.

- The location and width of proposed easements and existing easements identified in the title opinion or property information report. All easements and their intended uses must be shown on the face of the plat or indicated in the notes or legend.[12]
- All lots numbered either by progressive numbers or, if in blocks, progressively numbered in each block. Blocks must also be progressively numbered or lettered, except that blocks in numbered additions bearing the same name may be numbered consecutively throughout the several additions.[13]
- The survey data needed to positively describe the bounds of every lot, block, street easement, and all other areas shown on the plat.[14]
- All designated park and recreation parcels.[15]
- All interior parcels excepted from the plat, clearly indicated and labeled as "Not a part of this plat."[16]
- The purpose of all dedicated areas, clearly indicated or stated on the plat.[17]
- All platted utility easements, which must provide that such easements are also easements for the construction, installation, maintenance, and operation of cable television services; however, the construction, installation, maintenance, and operation of cable television services may not interfere with the facilities and services of an electric, telephone, gas, or other public utility.[18]

III. Effect of Proposed Changes:

The bill amends s. 177.071, F.S., in connection with how local governments review and approve plats.

Specifically, the bill requires local governments to review, process, and approve plats or replat submittals without action or approval by the governing body through an administrative authority and official designated by ordinance.

The administrative authority must be a department, division, or other agency of the local government, and includes an administrative officer or employee which may be a county or city administrator or manager, or assistant or deputy thereto, or other high-ranking county or city department or division director with direct or indirect oversight responsibility for the local government's land development, housing, utilities, or public works programs.

Under the bill, the authority must provide written notice in response to a submittal within seven days acknowledging receipt, identifying any missing documents or information required, and providing information regarding the approval process including requirements and timeframes.

Unless the applicant requests an extension, the authority must approve, approve with conditions, or deny the submittal within the timeframe identified in the initial written notice. A denial must

[12] Section 177.091(16), F.S.
[13] Section 177.091(18), F.S.
[14] Section 177.091(19), F.S.
[15] Section 177.091(23), F.S.
[16] Section 177.091(24), F.S.
[17] Section 177.091(25), F.S.
[18] Section 177.091(28), F.S.

be accompanied by an explanation of why the submittal was denied, specifically citing unmet requirements. The authority or local government may not request or require an extension of time.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may reduce carrying costs for those relying on a local government to process applications relating to real property development before a parcel can be sold.

C. Government Sector Impact:

Local governments that are not currently reviewing and approving plats within the timeframes in the bill may incur additional costs to expedite their activities.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends section 177.071 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS/CS by Rules on April 8, 2025:
The committee substitute revises the mechanism of plat or replat approval in the bill to require that a local government designate an administrative authority responsible for the approval process. The authority must accept plat or replat submittals, respond within 7 days with a written notice including any outstanding required documentation and an outline of the procedures and timeline leading to approval, and ultimately approve, approve with conditions, or deny the submittal based on its compliance with law.

CS/CS by Judiciary on April 1, 2025:
The committee substitute eliminates the section of the bill authorizing applicants to engage a private provider of street and mailing address and individual parcel identification number information, if that information is not issued within 2 weeks by the local government. The section also would have prohibited the governing body of the local government from collecting an addressing fee if it had failed to issue addresses and parcel identification numbers within the required timeframes.

CS by Community Affairs on March 17, 2025:
The committee substitute:
- Provides that, as opposed to reduction in fees, the failure to issue street and mailing addresses and parcel identification numbers will entitle the applicant to engage a private provider to create the required information.
- Requires plat and replat submittals be approved administratively and provides associated timeframes for which local governments must approve or deny such submissions, or specify non-compliance.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

FLC Bill Summary – SB 784 (2025)

CS/CS/CS/SB 784 (2025) by Ingoglia was adopted by the Legislature and was signed into law by the Governor. The bill requires that plat or replat submittals be reviewed and approved administratively. A county or municipal governing body must designate an administrative authority to review, process, approve, approve with conditions, or deny the submittal. The appropriate governing body's designee has seven days from receipt of the application to acknowledge the application, provide information regarding the plat approval process, identify any missing information in the application, and inform the applicant of applicable timeframes for reviewing, approving, or processing the application. Unless the applicant requests an extension of time, the administrative authority shall approve, approve with conditions, or deny the submittal within the timeframe identified in the written notice. If the submittal is not approved, the administrative authority must notify the applicant in writing of the specific reasons, with citations, for the denial. The administrative authority may not request or require the applicant to file a written extension of time.

Subject

First and Only Public Hearing on Ordinance No. 25-O-21, An Amendment to Chapter 1, Chapter 5, and Chapter 9 of the Tallahassee Land Development Code Concerning Subdivision Regulations-- John Reddick, Growth Management and Rob McGarrah, Underground Utilities & Public Infrastructure

Type

Action, Public Hearing

Recommended Action

Option 1: Initiate ordinance 25-O-21 to amend Chapter 1, Chapter 5, and Chapter 9 of the Tallahassee Land Development Code Concerning Subdivision Regulations, find Ordinance consistent with the Tallahassee-Leon County Comprehensive Plan, and recommend that the City Commission adopt Ordinance 25-O-21.

For more information, please contact: Rob McGarrah, General Manager - UUPI, 850-891-5109 or John Reddick, Director Growth Management, 850-891-7176

Statement of Issue

During the 2025 session, the Florida Legislature passed Senate Bill 784, modifying the submittal, review, and approval process for plats and replats. With the enactment of this legislation, final plats and replats must be administratively approved with no further action of the City Commission. Additionally, during the 2024 session, the Florida Legislature passed Senate Bill 812 modifying permitting procedures. The proposed Ordinance recommends revisions to the Tallahassee Land Development Code (TLDC) to reflect the recently passed legislations.

The Ordinance includes the following revisions:

1) Establishes administrative approval procedures for final plats.
2) Removes language inconsistent with Senate Bill 812 and acknowledges the established expedited permitting process.
3) Provides that subdivisions that contain no dedication to the public or create common areas may be subdivided through the Limited Partition process.
4) Clarifies TLDC procedures related to purchases of property by the City for public infrastructure and services.
5) Clarifies the procedure and requirements for both preliminary plats and final plats.

Recommended Action

Option 1: Initiate ordinance 25-O-21 to amend Chapter 1, Chapter 5, and Chapter 9 of the Tallahassee Land Development Code Concerning Subdivision Regulations, find Ordinance consistent with the Tallahassee-Leon County Comprehensive Plan, and recommend that the City Commission adopt Ordinance 25-O-21.

Fiscal Impact

None.

Supplemental Material/Issue Analysis

History/Facts & Issues

Historically, final plats have been brought to the City Commission for review and approval. Current City Code requires plats/replats to be brought before the City Commission for approval. Underground Utilities & Public Infrastructure (UUPI) is the sponsoring department for these approval items.

During the 2025 legislative session, the Florida Legislature adopted Senate Bill 784, and the Governor has signed this bill. The bill provisions became effective as of July 1, 2025. Under the terms of this legislation, final plats and replats must be administratively approved with no further action by the governing body. In order to implement this legislation, the City Commission must designate, by resolution or ordinance, an Administrative Authority that will be responsible for receiving, reviewing, and processing plat/replat submittals. At the August 20, 2025, City Commission meeting, the City Commission approved a resolution adopting these requirements. The proposed Ordinance will codify and further clarify these procedures.

During the 2024 legislative session, the Florida Legislature adopted Senate Bill 812, and the Governor has signed this bill. The bill provisions became effective July 1, 2024. Under the terms of the legislation, the City must establish a program to expedite the issuance of residential building permits that are associated with a preliminary plat and to issue a percentage of permits requested by an applicant if certain conditions are met. The City established a program in August 2024 to address the requirements of this legislation, however, revisions to the TLDC were identified to be necessary to ensure consistency with this bill.

Staff also recommend revisions to Chapter 9, TLDC, to allow subdivisions to utilize the Limited Partition process so long as no dedication to the public or creation of common areas occurs. All other revisions recommended in this ordinance are to further clarify the procedures and requirements for preliminary plat and final plat review.

The proposed ordinance will be introduced to the City Commission at the September 3, 2025, meeting. The first and only public hearing will be held by the City Commission at its September 17, 2025, meeting.

Department(s) Review

Growth Management, Underground Utilities & Public Infrastructure, City Attorney

Options

Option 1: Initiate ordinance 25-O-21 to amend Chapter 1, Chapter 5, and Chapter 9 of the Tallahassee Land Development Code Concerning Subdivision Regulations, find Ordinance consistent with the Tallahassee-Leon County Comprehensive Plan, and recommend that the City Commission adopt Ordinance 25-O-21.

2. Do not initiate Ordinance 25-O-21 and provide staff with direction.

Attachments/References

Attachment 1, Proposed Ordinance No. 25-O-21
Attachment 2, Tallahassee-Leon County Planning Department Consistency Review
Attachment 3, Notice of Public Hearing Ad

Ordinance No. 25-O-21

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA; AMENDING CHAPTERS 1, 5 AND 9 OF THE LAND DEVELOPMENT CODE CONCERNING SUBDIVISION REGULATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF TALLAHASSEE, FLORIDA, AS FOLLOWS:

Section 1. Section 1-2 of the Tallahassee Land Development Code is hereby amended to read as follows:

Sec. 1-2. - Definitions and rules of construction.

Centerline of right-of-way. The term "centerline of right-of-way" means the center of the surfaced roadway or the surveyed centerline of the street as defined by the ~~city engineer~~ General Manager – UUPI.

~~*City engineer.* The term "city engineer" means the licensed engineer designated by the city commission to furnish engineering assistance for the administration of the land development regulations of the city.~~

Condemnation review team. The term "condemnation review team" means the city building official, fire chief, ~~city engineer~~ General Manager - UUPI, and the code enforcement supervisor or their designees and shall be referred to as "the team."

Engineer. The term "engineer" means the ~~city engineer~~ General Manager – UUPI for the city.

General Manager - UUPI. The term "General Manager - UUPI" shall mean the individual appointed to oversee the City's Underground Utilities & Public Infrastructure or their designee.

Public Works. The term "Public Works" shall mean the city's Underground Utilities and Public Infrastructure Department.

Public Works Director. The term Public Works Director shall mean the General Manager – UUPI.

Section 2. Section 5-62 of the Tallahassee Land Development Code is hereby amended to read as follows:

Sec. 5-62. - Routine inspections.

The following inspections shall be conducted in conjunction with all development activities:

….

(4) *Final inspection and notice of completion.* A final inspection and notice of completion shall occur when all development activities permitted for the site have been completed, other than those for which the director has allowed a performance bond or other security in the amount of 110 percent of the cost of the non-constructed improvements. No certificate of occupancy shall be issued, nor any building or premises occupied, unless and until the director has determined after final inspection that all work, including installation of all stormwater management facilities, landscaping and other permitted components have been installed in accordance with the approved permit and that any tree protection or removal activity has been carried out according to the approved permit and plan. However, a temporary certificate of occupancy may be issued by the director where a performance bond or other security as mentioned above has been approved, provided that such bonded uncompleted improvements be satisfactorily installed within a reasonable length of time as specified by the director. In ~~no case shall~~ order to issue a building certificate of occupancy or temporary certificate of occupancy stormwater management facilities ~~or~~ and stormwater conveyances ~~be bonded~~ shall be installed and operational. The permanent certificate of occupancy and the notice of completion shall be withheld until such bonded improvements are completed and approved by the director after inspection.

Section 3. Section 9-62 of the Tallahassee Land Development Code is hereby amended to read as follows:

Sec. 9-62. - Application of subdivision regulations.

(a) Within the jurisdiction of this chapter, no subdivision shall be platted or recorded for any purpose, nor shall parcels or lots resulting from such subdivision be sold or offered for sale unless such subdivision meets all of the requirements of these subdivision regulations, the plan and other applicable regulations, including but not limited to the EMO and this chapter.

(b) No final plat of any subdivision within such jurisdiction shall be filed or recorded by the clerk of the circuit court of the county until it shall have received subdivision approval under the applicable provisions of article III of this chapter and accepted

by the ~~commission~~ city manager or designee, in accordance with Sec. 9-92. Evidence of such approval shall be placed on the plat prior to recording. Any plat created contrary to these regulations is hereby declared an offense.

(c) The owner or agent of the owner of any land to be subdivided within the jurisdiction of this chapter who transfers, sells, agrees to sell or negotiates to sell such land by reference to, exhibition of, or by any other use of a subdivision plat of such land, before the plat has been approved by the ~~commission~~ city manager or designee and recorded by the clerk of the circuit court of the county, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided by law, unless otherwise stated in subsection (h) of this section. Notwithstanding the prohibition in this subsection, an owner or agent of any land to be subdivided may offer lots for sale or contract for sale of lots if the sale is made contingent on the owner or agent receiving final approval for the subdivision under the terms of this chapter. A copy of the recorded final approval shall be delivered to the buyer, and the buyer may rescind the offer or the contract based on the terms of the final approval.

(d) Lots created by resubdivision of an existing lot in a recorded ~~or unrecorded~~ residential subdivision zoned residential preservation (RP-1 or RP-2), single family detached residential district (R-1 or R-2) or planned unit development (PUD) within the residential preservation future land use category shall be no more than ten percent smaller than the median size of all other lots in the subdivision, as originally platted in a recorded ~~or unrecorded~~ plat, and no less than the minimum lot size allowed by residential zoning and land use maps. If a subdivision was developed in phases, the median size of lots shall be determined by the lots in the phase affected by the proposed resubdivision.

(e) Subsection (d) shall only apply in an RP-2 zoning district if a majority (50 percent plus one) of developed lots in a recorded ~~or unrecorded~~ subdivision or phase of a subdivision, whichever is smaller, contain only one single family detached dwelling unit. Staff may require the applicant to submit documentation to validate the type and extent of existing development in order to assist with making a determination of applicability.

(f) Notwithstanding the provisions of subsection (d), existing lots in a recorded ~~or unrecorded~~ residential subdivision zoned residential preservation (RP-1 or RP-2) or planned unit development (PUD) within the residential preservation future land use category may be resubdivided up to the maximum allowed by the zoning district provided that the parent lot directly abuts an existing arterial or major collector roadway that was not constructed as part of the subdivision's roadway network.

This provision shall not apply to lots whose current designated primary access is from a street internal to the recorded or unrecorded subdivision zoned residential preservation. Existing lots of record with no current frontage on a major collector or arterial roadway, as specified above, cannot be aggregated to benefit from the provision of this section.

(g) Notwithstanding the provisions of subsection (d), existing lots in a recorded ~~or unrecorded~~ residential subdivision zoned RP-1 RP-2, R-1, R-2 or PUD (within the residential preservation future land use category) that were platted prior to 1990 with lots larger than the minimum lot size now allowed by current regulations may be resubdivided as long as the subdivision demonstrates an actual historic development pattern of smaller parcels (subdivision of 67 percent of the platted lots into two or more lots in RP-1 or 50 percent plus one in RP-2, R-1, R-2 or PUD). An applicant for a resubdivision under this paragraph shall demonstrate that the proposed lots shall be no more than ten percent smaller than the median size of all residential parcels in the subdivision at the time of his/her application.

(h) The following shall be exempt from the subdivision regulations: any subdivision or acquisition of land by the City to provide public stormwater services or drainage, electric, gas, water or sewer infrastructure, or upgrades to public rights-of-ways. In the event the City acquires land for purposes provided in this paragraph, the remaining parcel (after being separated from the land acquired by the City), shall be deemed conforming; specifically including existing buildings, for purposes of setback, and areas for vehicular use.

Section 4. Section 9-63 of the Tallahassee Land Development Code is hereby amended to read as follows:

Sec. 9-63. - Approval of public services.

(a) No street shall be maintained by the city nor any street dedication accepted for ownership until the final subdivision plat has been administratively approved by the ~~city commission~~ city manager or designee and recorded in the public records of the county.

(b) Improvements may be constructed and extended by the developer within the subdivisions after the preliminary plat has been approved by the Development Review Committee consistent with other development regulations. Applications may be filed and issued for building permits within subdivisions after the preliminary plat has been

approved by the Development Review Committee and after each of the following requirements have been met:

(1) Prior to the issuance of an environmental permit and any building permits, a letter of utility coordination has been issued by the appropriate utility department that specifies the manner in which utilities (water, sewer, gas, electric, etc) will be provided and installed to each lot in the subdivision;

(2) Upon both:

a. Approval and sign-off of the preliminary plat, and

b. The issuance of the environmental management permit (including the interim stormwater management plan for the subdivision), building permits may be issued.

(3) Any performance bond(s) that are deemed necessary to satisfy any utility provider requirements must be submitted. All bonding requirements shall be per Sec. 9-93 of this code; and,

(4) Final street name approval within the subdivision shall be obtained from Leon County.

However, no certificate of occupancy or temporary certificate of occupancy shall be issued until the final plat has been accepted by the ~~city commission~~ city manager or designee and recorded in the public records of the county and improvements installed or the performance guarantee, furnished by the developer, is acceptable to the city.

(c) Notwithstanding the provisions under subsection (b) of this section, a maximum of three model home permits per subdivision may be approved before the final plat is recorded if the developer and builder enter into a development agreement with the city which specifies the conditions of such agreement, unless the builder and developer identify that expedited permitting pursuant to F.S. ch. 177.073 will be applied to the subdivision.

Section 5. Section 9-91 of the Tallahassee Land Development Code is hereby amended to read as follows:

Sec. 9-91. - Limited partitions.

(a) Limited partition subdivision is limited to the following:

(1) A residential lot or parcel, which is not part of a recorded subdivision, on an existing public or private street, ~~may be divided into (a) not more than ten lots to accommodate single-family attached or detached dwelling units, or (b) five lots to accommodate duplex units (for a maximum of ten dwelling units).~~ where the subdivision contains no dedication to the public nor creates common areas for the benefit of members of a homeowner's or property owner's association.

(2) A residential or non-residential lot in a recorded subdivision, on an existing public or private street, may be divided so that no more than one additional lot is created.

(3) A non-residential lot, which is not part of a recorded subdivision, ~~may be divided into not more than ten lots~~ where the subdivision contains no dedication to the public nor creates common areas for the benefit of members of a homeowner's or property owner's association. When applicable, site plan review and approval may be processed concurrently on one or more of these lots if by type A site plan.

….

Section 6. Section 9-92 of the Tallahassee Land Development Code shall be amended by deleting it in its entirety and substituting new provisions in its stead as follows:

Sec. 9-92. - Preliminary plats.

(a) *Generally.* Pursuant to F.S. ch. 177 and these regulations, under this section, no subdivision plat within the jurisdiction of the city shall be recorded by the clerk of the circuit court of the county until it has received final plat approval as provided herein. To secure final plat approval, the subdivider shall follow the procedures established in section 9-93.

(b) *When required.* Preliminary plats are required for all parcels or lots proposed for subdivision with the exception of those divisions specified under the requirements of section 9-91, but may be required for a residential or nonresidential subdivision which has location characteristics arising from proximity to existing or platted low density residential development, as determined by the growth management department.

(c) Procedure.

(1) Within five working days after receipt of the application and required submittals, the growth management department shall determine whether the application contains all required information. If an application is not complete, the Department will advise the applicant in writing and identify the deficiencies. If an applicant fails to cure any deficiency after receipt of notice from the Department and the passage of 15 calendar days following the notice, the application shall be deemed withdrawn. The Growth Management Director may grant extensions of time for good cause shown.

(2) A complete application shall be placed on an agenda of the Development Review Committee.

(3) At least 20 calendar days before an application for preliminary plat is heard by the Development Review Committee, notice of the meeting shall be mailed by U.S. Mail to the following:

a. each owner of any parcel which is the subject of the application,

b. each owner of any property located within 1,000 feet of the subject property,

c. the physical address of any property located within 1,000 feet of the subject property; and

d. registered neighborhood associations within 1,000 feet of the subject property.

(4) Notice of the meeting of the Development Review Committee shall be advertised at least seven calendar days before the meeting. The notice shall identify the property which is the subject of the pending application, and shall state the date, time and location of the meeting, and shall state that members of the public have the right to speak at the meeting.

(5) At least 30 days prior to the meeting of the Development Review Committee, the applicant shall prominently post signage at the property, notifying the public of the application, as provided by policies and procedures of the growth management department.

(6) *Post-application.* At the time the application is submitted, the applicant may schedule an appointment to meet with technical assistance staff to discuss the site plan application and address remaining technical issues related to the plan or application. The meeting shall be held after distribution of Development Review Committee staff reports on the plan or application and before the development

review committee meeting on the site plan. Requests for post-application meetings shall be submitted to the growth management department.

(7) In deciding whether to approve, approve with conditions, or deny a preliminary plat, the development review committee shall determine:

a. Whether the design standards and requirements set forth in this chapter have been met;
b. Whether the applicable criteria of chapter 5 of this Code have been met;

c. Whether the standards and requirements of the zoning code (chapter 10 of this Code) have been met; and

d. Whether the requirements of other applicable regulations or ordinances which impose specific requirements on the proposed development have been met.

(8) The Development Review Committee shall review an applicant's preliminary plat application and determine whether the application complies with the requirements of this section, the Comprehensive Plan, and the land development regulations. The Development Review Committee shall render a written decision to approve, approve with conditions, or deny the application. The applicant will be provided written notice of the decision of the Development Review Committee.

(9) If the application is approved with conditions, the applicant shall have 90 calendar days from the date of the decision to comply with the conditions. The Growth Management Department may grant a single 90-day extension for good cause shown. If the applicant fails to address the conditions of approval within the 90-day period, plus any additional time granted, the application shall be deemed withdrawn.

(d) Application and contents required in order to be determined complete.

(1) Prior to submittal of an application, the applicant shall first obtain a city land use compliance certificate which verifies that the development is a preliminary plat and which sets forth the specific application requirements.

(2) The applicant shall complete the application for subdivision review, which shall contain the following information:

a. Name of the subdivision;

b. Owner of the property to be subdivided;

c. Notarized signature of the owner of the property to be subdivided;

d. Surveyor and engineer of record; and

e. Date of application.

(3) For properties proposed for residential usage, the applicant shall submit a completed school impact analysis form.

(4) The preliminary plat shall depict or contain the following information:

a. Name of the subdivision; owner; and address and phone number of each; surveyor and engineer of record, date of drawing;

b. Date of plat preparation;

c. A vicinity map showing the relationship between the proposed subdivision and the surrounding area at a scale of one inch equals 400 feet or a scale deemed appropriate by the Growth Management Department;

d. A boundary survey, signed and sealed by a surveyor, of the tract to be subdivided; the boundaries of the tract shall be distinctly and accurately represented with all bearings and distances shown;

e. The section, township and range in which the subdivision is located;

f. Scale denoted both graphically and numerically;

g. All existing rights-of-way, streets, sidewalks and driveways within 300 feet, all proposed streets, names and numbers (if state or county marked routes);

h. Proposed sight distances for all new roadway connections;

i. Typical roadway cross section and rights-of-way;

j. An environmental analysis approved by the growth management department as defined in chapter 5 of this Code.

k. All existing zoning classifications and zoning boundaries of the tract to be subdivided and on property within 100 feet of the subject parcel;

l. If proposed, recreation areas shall be provided and shown on the preliminary plat;

m. Any proposed riding trail, open space areas, pedestrian, bicycle or other rights-of-way, conservation or drainage easements, their location, width and purposes;

n. Site calculation, including:

1. Acreage in total tract to be subdivided;

2. Acreage in parks and other nonresidential use;

3. Total number of parcels created;

4. Linear feet in streets;

5. Right-of-way width of all proposed streets; and

6. Percent of impervious surface coverage: pre- and post-development.

o. Proposed minimum building setback lines;

p. The property tax parcel identification numbers of adjoining properties and/or any adjoining subdivisions of record;

q. All elevation and bench marks shall be referenced both to National Geodetic Vertical Datum and tied to the nearest geodetic positioning station control; contour lines shall be shown at no greater than five-foot intervals: if available, city two-foot contours shall be used; the plat shall also be referenced as accurately as possible to the Geographic Information System (GIS);

r. Buildings or other significant structures, water and sanitary sewer lines, railroads, bridges, culverts, storm drains, electric facilities both on the land to be subdivided and on the land within 100 feet, corporate limits, and county lines (an aerial photo may be used to depict this information);

s. Proposed sidewalks, driveways, street connections and roadway geometrics on the land to be subdivided, and on land within 300 feet of the land to be divided if identified at the time of preapplication review;

t. Proposed lot lines, lot and block numbers, and approximate dimensions, and phase line and sequencing of the phases;

u. Conceptual stormwater management plan with general soil characteristics depicted and the 100-year flood elevation clearly delineated;

v. Conceptual water and sewer service plans;

w. Location of existing wells;

x. The name and location of any property within the proposed subdivision or within any contiguous property that is listed on the National Register of Historic Places;

y. All rights-of-way and easements both existing and proposed for drainage, electrical distribution, water, sewer, gas mains and transportation access; and

z. Existing and proposed contours, including directional indicators for positive drainage on a lot-by-lot basis. Lots shall be laid out to provide positive drainage away from all buildings. Individual lot drainage shall be coordinated with the general stream drainage pattern for the area. Drainage shall be designed to avoid unnecessary concentration of storm drainage water from each lot to other lots or parcels.

aa. All permit applications shall demonstrate, at a minimum, that the finished floor elevation for all new construction including additions, and/or alterations that create habitable floor area complies with the requirements outlined in subsection 5-87(4). This standard may be reduced by the Growth Management Department upon demonstration by the applicant that an acceptable alternative method is sufficient to ensure that drainage flows away from the structure and is designed to prevent entry into the structure.

bb. Additional information may be requested in writing by the development review committee which shall further clarify relevant points of this paragraph.

(e) *Street names.* Streets shall be named in accordance with these regulations.

(f) *Term of validity.* Unless a preliminary plat is deemed null and void in accordance with subsection (d)(9) of this section, a preliminary plat is valid for a term not to exceed three years from the date of the development review committee meeting when final action is

taken and the preliminary plat shall automatically expire if no permits for on-site development are issued prior to expiration of the three-year period. Upon issuance of any permit by the city for on-site development, the preliminary plat shall be deemed active and valid as long as the permit remains valid. In the event of an appeal, the three-year period shall begin upon the date that the entity with authority to decide the appeal renders an order approving the preliminary plat.

Section 7. Section 9-93 of the Tallahassee Land Development Code is hereby amended to read as follows:

Sec. 9-93. - Final plats.

(a) *Generally.* The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop provided that such portion has been identified on the preliminary plat as separate phase of development and that the sequencing of such phase is also reported on the approved preliminary plat. Such portion shall conform to all requirements of this chapter. Final plats shall be required for all preliminary plats which propose any dedication to the public, which resubdivide a recorded final plat, or which create common areas for the benefit of members of a homeowner's or property owner's association and shall be in accordance with F.S. ch. 177.

~~(b) *Improvements required.* No final plat shall be approved unless and until the subdivider shall have installed all improvements in the proposed subdivision required by this chapter or shall have guaranteed their installation as provided in this section.~~

(~~c~~b) Submittal. While the approval of the preliminary plat is in effect, the applicant may submit the final plat for approval to the appropriate officials in the following order:

(1) The subdivider or his representative shall submit the final plat, so marked, to the ~~growth management department~~ General Manager - UUPI~~, at which time it will be considered for approval~~. The final plat shall be submitted not more than 36 months after the date on which the preliminary plat was approved, otherwise such approval shall be null and void unless a written extension of this time limit is granted by the ~~land use administrator~~ growth management department for just cause on or before the three-year anniversary of the approval.

(2) The General Manager - UUPI shall provide the final plat, to the growth management department. The growth management shall ~~notify the subdivider in writing~~ confirm whether the final plat, as submitted, conforms to the approved preliminary plat. ~~The~~

~~signed document shall be forwarded by the growth management department to the city engineer~~.

(3) The applicant or his representative shall submit the final plat to the ~~city engineer~~ General Manager - UUPI in a manner to allow for the timely review of the plat for consistency by a state registered surveyor and mapper with respect to easements, design standards and requirements of applicable city codes, and a title opinion for the property. The ~~public works director or designee~~ General Manager - UUPI shall ensure the readiness of the plat ~~for consideration at the meeting of the city commission at which it is to be considered~~ final recording.

~~(d~~*c)* ~~*Commission action*~~ *Administrative Approval.* When a final plat has been submitted to the ~~city commission~~, General Manager – UUPI, and is in conformance with an approved preliminary plat and the provisions of this chapter, the ~~commission~~ city manager or designee shall consider and take action on the plat in accordance with F.S. ch. 177.071. Approval by the ~~commission~~ city manager or designee shall not be shown on the final plat until all requirements of this chapter have been met and the engineer has certified that:

(1) All improvements and installations in the subdivision required for its approval under this chapter have been completed in accordance with the appropriate specifications; or

(2) A surety device has been provided by the applicant for the improvements which have not been constructed; the surety shall:

a. Be approved by the ~~city engineer~~ General Manager - UUPI and the city attorney; and

b. Cover 110 percent of the cost of uncompleted dedicated roads and associated infrastructure, water and sewer infrastructure, stormwater management conveyance, sidewalk improvements, and reimbursement to the city for the city's electric infrastructure damaged during construction activities ~~and sidewalk improvements~~ only as estimated by the engineer of record and as approved by the ~~engineer~~ General Manager - UUPI; and

c. Be conditioned upon completion ~~of construction of dedicated roads and stormwater management conveyance as shown in the approved construction plans within 12 months,~~ and acceptance of all associated infrastructure described above within a timeframe as determined by the city, unless an extension is granted by the General Manager - UUPI. Any request for extension must be submitted in writing and must include a proposed schedule detailing the timeline for completion of all outstanding work within the requested extension period; and

d. Be payable to and for the indemnification of the ~~commission~~ City.

(3) A surety device in the amount of ten percent of the total cost of all required improvements as approved in the preliminary plat to cover defects in materials or workmanship for two years shall be posted as a condition of acceptance of responsibility for maintenance of public improvements by the ~~commission~~ City.

(~~e~~d) *Submission of final plat for recording.* Upon approval by the ~~city commission~~ city manager or designee, the original of the approved plat shall be forwarded by the engineer to the file clerk of the circuit court for recording.

(~~f~~e) Effect of approval. Approval of the plat by the ~~city commission~~ city manager or designee shall be deemed its acceptance of the dedication of the streets and public land as shown upon such plat on behalf of the public unless otherwise indicated.

~~(g) *Specifications for final plat.* Every final plat of subdivision made for recording shall conform to the provisions of F.S. ch. 177, and to the following:~~

~~(1) The size of each sheet shall be 18 inches wide and 24 inches long, including a three-inch binding margin on the left and a one-half inch margin all around.~~

~~(2) Scale shall be one inch to 100 feet unless otherwise approved by the engineer. The scale shall be both stated and illustrated by a graphic scale drawn on every sheet showing any portion of the lands subdivided. A north arrow shall be shown on each sheet.~~

~~(3) When the lot width required at the building setback line is at a distance greater than that required by the minimum front or rear yard setback restrictions, minimum front and rear yard building setback lines shall be specified on the lots on the final plat. Required minimum building lines shall also be specified on unusually shaped lots where there is no readily discernible lot frontage, flag or double-frontage lots.~~

~~(4) The location, dimensions and purpose of all easements and public service utility rights-of-way and any areas to be reserved, donated or dedicated to public use or sites for other than residential uses with notes stating their purpose and limitations and areas to be reserved by deed covenants for common use of all property owners shall be shown.~~

~~(5) The 100-year flood plain or a setback line above the 100-year flood plain shall be delineated on the plat.~~

~~(6) Delineation of conservation and preservation easements, including proposed ownership and bearings and distances of all easement boundaries.~~

(~~h~~f) Plat certificates. The certification on the plat shall bear the signature, registration number and the official impression seal of the registered land surveyor preparing the plat and shall be stated as follows: "I hereby certify that this survey was made under my responsible direction

and supervision, is a correct representation of the land surveyed, that the permanent referenced monuments and permanent control points have been set and that the survey data and monumentation complies with F.S. ch. 177, F.A.C. ch. 61G-17-6, or the qualifying certification in accordance with F.S. § 177.091(8)."

(~~i~~g) Dedication and adoption. Every plat of a subdivision with streets or other lands to be dedicated to the public and filed for record shall contain a dedication by the applicant and all persons having a record interest in the lands subdivided, as determined by General Manager - UUPI, in the same manner in which deeds are required to be executed. The dedication shall be as follows:

STATE OF FLORIDA

COUNTY OF LEON

Know all persons by these presents that _____ (a corporation organized and existing under the laws of the State of Florida), the owner(s) fee simple of the land shown hereon platted as _____ (name of subdivision) and more particularly described as follows:

_____

_____

_____

(itemize public roads, streets, alleys and other rights-of-way and all parks and recreation areas and all easements for utilities, drainage, and other purposes and all purposes incident thereto) as shown and depicted hereon.

_____

(reversionary provision, if applicable.) This the _____ day of _____ A.D., 20___.

_____ Witness:	_____ Authorized Signature-Developer
_____ Witness:	_____ Authorized Signature-Mortgagee

Reversionary provision: Reserving, however, the reversion or reversions thereof should the same be renounced, disclaimed, abandoned or the use thereof discontinued as prescribed by law by appropriate official action of the proper officials having charge or jurisdiction thereof.

STATE OF FLORIDA

COUNTY OF LEON

Before me this date personally appeared _____ (owners, mortgagees, etc., if applicable) and acknowledge that they executed the foregoing dedication freely and voluntarily for the uses and purposes therein stated on behalf of such (owners, mortgagees, etc., if applicable).

/s/
Notary Public (with seal)

JOINDER IN DEDICATION:

All persons having an interest in the property described hereon have joined in this dedication as follows:

Name:

Execution Date of Joinder:

Official Record Book and Page of Joinder:

This plat conforms to the preliminary plat approval provisions made by the Development Review Committee, this _____ day of _____ A.D., 20___.

/s/
Land Use Administrator or designee

Approved by the City ~~Commission~~ of Tallahassee, Florida, this _____ day of _____ A.D., 20___.

~~/s/~~
~~Mayor~~

/s/
City Attorney

/s/
City Manager or designee ~~City Engineer~~

/s/
City-Treasurer Clerk

Accepted for files and recorded, this _____ day of _____ A.D., 20___, in Plat Book _____ Page _____.

/s/
Clerk of Circuit Court
Leon County, Florida

(~~j~~h) *Completion and inspection.* Except as provided in this section concerning performance bonds, before final plats are approved all required improvements shall be completed by the applicant or his agents and inspected and approved by appropriate public officials or agencies. In addition, all required offers to dedicate or to reserve for future dedication shall be made clear of all liens and encumbrances on the property and public improvements thus dedicated.

(~~k~~i) *Recording original map.* When the final plat is approved ~~by the commission~~, the General Manager - UUPI ~~city engineer~~ shall record the original map.

(~~l~~j) *Performance guarantees and inspections.*

(1) *Recommendations; timeframe.* The ~~city engineer~~ General Manager - UUPI shall prepare recommendations for the amount and terms of the performance guarantee, including time of commencement of development and completion of the work, as a whole or in stages, provisions concerning extensions for cause, and provisions for release of portions of the guarantee upon completion of portions or stages of the work. Time between initiation of construction and completion of development shall not exceed two years unless extended for a longer period whether such extension is approved shall be evaluated at the time the request for extension is made by the applicant.

(2) *Amount and terms.* The ~~city engineer~~ General Manager - UUPI shall set the amount and terms of the performance guarantee, subject to necessary legal review for form.

….

Section 8. Conflicts. All ordinances and parts of ordinances of the City of Tallahassee Code in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 9. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 10. Effective Date. This ordinance shall become effective on the date it is adopted by the City Commission.

INTRODUCED in the City Commission on the _____ day of _____, 2025.

PASSED by the City Commission on the _____ day of _____, 2025.

CITY OF TALLAHASSEE

By: _____
John E. Dailey
Mayor

ATTEST:

By: _____
James O. Cooke, IV
City Treasurer-Clerk

APPROVED AS TO FORM:

By: _____
Amy M. Toman
City Attorney

CODING: Words in ~~struck through~~ type are deletions from existing language; words underlined are additions.

PLANNING DEPARTMENT
a division of PLACE

MEMORANDUM

TO: Dylan Haase, Land Use Administrator, Growth Management Department
FROM: Marcus Lloyd, Senior Planner, Tallahassee-Leon County Planning Department
THRU: Russell Snyder, Administrator, Tallahassee-Leon County Planning Department
DATE: August 21, 2025
SUBJECT: Consistency Review –Text Amendments to the City Land Development Code, Chapters 1,5, and 9, concerning subdivision regulations.

Description of the Proposed Change:

The proposed ordinance will amend the Land Development Code in sections. These sections address plat regulations, which must be amended to conform with Senate Bill 784, which requires that qualifying plats and replats be approved via an administrative process rather than through the votes of a governing body.

The amended text reflects language pertaining to the administrative process of platting and other methods of subdivision. In cases where the City Commission previously was referred to as the body of approval for subdivisions, updated text reflects that the city manager or their designee will be responsible.

Analysis of Consistency with the Tallahassee-Leon County Comprehensive Plan

While the *Tallahassee-Leon County Comprehensive Plan* references plats or platting as it relates to specific polices, such as the Welaunee Critical Area Plan, the proposed text amendment would not impact the implementation of those policies and does not create any inconsistencies.

Finding of Consistency with the Tallahassee-Leon County Comprehensive Plan

Based on the findings above, the Planning Department finds the proposed ordinance consistent with the *Tallahassee-Leon County Comprehensive Plan*.

Column
AFFIDAVIT OF PUBLICATION

See Proof on Next Page

COLUMN SOFTWARE, PBC

STATE OF FLORIDA
COUNTY OF LEON

Before the undersigned authority personally appeared Anjana Bhadoriya, who on oath says that he or she is an authorized agent of Column software, PBC; that the attached copy of advertisement, being a legal advertisement or public notice in the matter of PCAd090225, was published on the publicly accessible website of Leon County, hosted by Column Software, PBC on
Aug. 15, 2025

Affiant further says that the website complies with all legal requirements for publication in chapter 50, Florida Statutes.

PUBLICATION DATES:
Aug. 15, 2025

Notice ID: fAGUa7BZdNgvCFSXCjCe
Notice Name: PCAd090225

PUBLICATION FEE: $0.00

Signed by:

Anjana Bhadoriya

_____ _____, as authorized signatory of Column Software, PBC

SHERI SMITH
Notary Public - State of Florida
Commission # HH268083
Expires on May 31, 2026

VERIFICATION

State of Florida
County of Broward

Signed or attested before me on this: 08/18/2025

S Smith
_____
Notary Public
Notarized remotely online using communication technology via Proof.

NOTICE OF PUBLIC HEARINGS

The proposed ordinance listed below will be considered at the following public meetings:

1. Tallahassee-Leon County Planning Commission Meeting on September 2, 2025, at 6:00 PM, 2nd Floor Conference Room, 435 North Macomb Street

2. City Commission Meeting on September 17, 2025, at 6:00 PM, City Commission Chambers, 2nd Floor, City Hall, 300 South Adams Street

LAND DEVELOPMENT CODE TEXT AMENDMENT

ORDINANCE NO. 25-O-21

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA; AMENDING CHAPTERS 1, 5 AND 9 OF THE LAND DEVELOPMENT CODE CONCERNING SUBDIVISION REGULATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

There will be two options for sharing public comment.
- In-person at the meetings; or
- Written via online submission at beth.perrine@talgov.com. Public comment can be submitted online until 9 p.m. on Sunday, August 31. Comments submitted after this time (up to the time of the public hearings) will be accepted and included in the official record of the meetings; or

The Planning Commission will review this application at the public hearing listed above. Persons with standing may file a petition for quasi-judicial proceedings within 15 days (or 30 days for a decision on a Type C application) from the date the decisions were rendered (City); or within fifteen (15) calendar days of the date of publication of notice of the Planning Commission Public Hearing on the application in the Tallahassee Democrat (County); in accordance with the Bylaws of the Planning Commission and the City of Tallahassee and Leon County Land Development Codes. Copies of the Bylaws and or further information are available from the Planning Department at the Planning Department, 435 North Macomb Street, Tallahassee, FL, (850) 891-6400.

LOCAL PLANNING AGENCY MEETING

September 2, 2025, at 6:00 PM

The Local Planning Agency (LPA) will consider the August 5, 2025, meeting minutes.

NOTICE: You are hereby notified in accordance with Chapter 286.0105, Florida Statutes, should you decide to appeal any decision made by the Commissions or take exception to any findings of fact with respect to any matter considered at the hearings referenced to above, you may need to ensure that verbatim record of the proceedings is made. Such a record shall include the testimony and evidence upon which the appeal is based. Planning Commission will review these applications at the public hearing listed above. Persons with standing may file a petition for quasi-judicial proceedings within 15 days from the date the decisions is rendered in accordance with the Bylaws of the Planning Commission and the City of Tallahassee Land Development Code. Copies of the Bylaws and or further information are available from the Planning Department located at 435 North Macomb Street, Tallahassee, FL, (850) 891-6400.

PC090225

For public notices online, go to http://leonfl.column.us

Key Dates

FLORIDA LEAGUE OF CITIES

2025-2026 Key Legislative Dates

September 2025

26	FLC Legislative Policy Committee Meetings (Round 1), Hilton Orlando, 6001 Destination Pkwy, Orlando, FL 32819

October 2025

6-10	Legislative Interim Committee Meetings
13-17	Legislative Interim Committee Meetings
17	FLC Legislative Policy Committee Meetings (Round 2), Hilton Orlando, 6001 Destination Pkwy, Orlando, FL 32819

November 2025

3-7	Legislative Interim Committee Meetings
17-21	Legislative Interim Committee Meetings
19-22	NLC City Summit, Salt Lake City, UT

December 2025

1-5	Legislative Interim Committee Meetings
4-5	FLC Legislative Conference, Renaissance Orlando at SeaWorld, 6677 Sea Harbor Dr, Orlando, FL 32821
8-12	Legislative Interim Committee Meetings

January 2026

13	Regular Legislative Session Convenes
26-28	FLC Legislative Action Days, Tallahassee, FL

March 2026

13	Last Day of Regular Legislative Session
16-18	NLC Congressional City Conference, Washington, D.C.

For further details about the mentioned events or legislative information, contact *medenfield@flcities.com*.

Notes

Notes