

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

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1 Committee/Subcommittee hearing bill: State Affairs Committee  
 2 Representative Lopez, V. offered the following:

**Amendment (with title amendment)**

Remove lines 112-384 and insert:

6 include the density of any building that met the requirements of  
 7 this subsection or the density of any building that has received  
 8 any bonus, variance, or other special exception for density  
 9 provided in the county's land development regulations as an  
 10 incentive for development.

11 (c) A county may not restrict the floor area ratio of a  
 12 proposed development authorized under this subsection below 150  
 13 percent of the highest currently allowed floor area ratio on any  
 14 unincorporated land in the county where development is allowed  
 15 under the county's land development regulations. For purposes of  
 16 this paragraph, the term "highest currently allowed floor area

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17 ratio" does not include the floor area ratio of any building  
18 that met the requirements of this subsection or the floor area  
19 ratio of any building that has received any bonus, variance, or  
20 other special exception for floor area ratio provided in the  
21 county's land development regulations as an incentive for  
22 development. For purposes of this subsection, the term floor  
23 area ratio includes floor lot ratio.

24 (d)1.~~(e)~~ A county may not restrict the height of a  
25 proposed development authorized under this subsection below the  
26 highest currently allowed height for a commercial or residential  
27 building development located in its jurisdiction within 1 mile  
28 of the proposed development or 3 stories, whichever is higher.  
29 For purposes of this paragraph, the term "highest currently  
30 allowed height" does not include the height of any building that  
31 met the requirements of this subsection or the height of any  
32 building that has received any bonus, variance, or other special  
33 exception for height provided in the county's land development  
34 regulations as an incentive for development.

35 2. If the proposed development is adjacent to, on two or  
36 more sides, a parcel zoned for single-family residential use  
37 which is within a single-family residential development with at  
38 least 25 contiguous single-family homes, the county may restrict  
39 the height of the proposed development to 150 percent of the  
40 tallest building on any property adjacent to the proposed  
41 development, the highest currently allowed height for the

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42 property provided in the county's land development regulations,  
43 or 3 stories, whichever is higher. For the purposes of this  
44 paragraph, the term "adjacent to" means those properties sharing  
45 more than one point of a property line, but does not include  
46 properties separated by a public road.

47 (e)-(d) A proposed development authorized under this  
48 subsection must be administratively approved and no further  
49 action by the board of county commissioners is required if the  
50 development satisfies the county's land development regulations  
51 for multifamily developments in areas zoned for such use and is  
52 otherwise consistent with the comprehensive plan, with the  
53 exception of provisions establishing allowable densities, floor  
54 area ratios, height, and land use. Such land development  
55 regulations include, but are not limited to, regulations  
56 relating to setbacks and parking requirements. A proposed  
57 development located within one-quarter mile of a military  
58 installation identified in s. 163.3175(2) may not be  
59 administratively approved. Each county shall maintain on its  
60 website a policy containing procedures and expectations for  
61 administrative approval pursuant to this subsection.

62 (f)1.-(e) A county must consider reducing parking  
63 requirements for a proposed development authorized under this  
64 subsection if the development is located within one-quarter ~~one-~~  
65 ~~half~~ mile of a ~~major~~ transit stop, as defined in the county's

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66 land development code, and the ~~major~~ transit stop is accessible  
67 from the development.

68 2. A county must reduce parking requirements by at least  
69 20 percent for a proposed development authorized under this  
70 subsection if the development:

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

76 b. Has available parking within 600 feet of the proposed  
77 development which may consist of options such as on-street  
78 parking, parking lots, or parking garages available for use by  
79 residents of the proposed development. However, a county may not  
80 require that the available parking compensate for the reduction  
81 in parking requirements.

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

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

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90        (g)~~(f)~~ For proposed multifamily developments in an  
91 unincorporated area zoned for commercial or industrial use which  
92 is within the boundaries of a multicounty independent special  
93 district that was created to provide municipal services and is  
94 not authorized to levy ad valorem taxes, and less than 20  
95 percent of the land area within such district is designated for  
96 commercial or industrial use, a county must authorize, as  
97 provided in this subsection, such development only if the  
98 development is mixed-use residential.

99        (h) A proposed development authorized under this  
100 subsection which is located within a transit-oriented  
101 development or area, as recognized by the county, must be mixed-  
102 use residential and otherwise comply with requirements of the  
103 county's regulations applicable to the transit-oriented  
104 development or area except for use, height, density, floor area  
105 ratio, and parking as provided in this subsection or as  
106 otherwise agreed to by the county and the applicant for the  
107 development.

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

111        (j)1. Nothing in this subsection precludes a county from  
112 granting a bonus, variance, conditional use, or other special  
113 exception for height, density, or floor area ratio in addition

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114 to the height, density, and floor area ratio requirements in  
115 this subsection.

116 2. Nothing in this subsection precludes a proposed  
117 development authorized under this subsection from receiving a  
118 bonus for density, height, or floor area ratio pursuant to an  
119 ordinance or regulation of the jurisdiction where the proposed  
120 development is located if the proposed development satisfies the  
121 conditions to receive the bonus except for any condition which  
122 conflicts with this subsection. If a proposed development  
123 qualifies for such bonus, the bonus must be administratively  
124 approved by the county and no further action by the board of  
125 county commissioners is required.

126 (k)-(h) This subsection does not apply to:

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

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

130 (l)-(i) This subsection expires October 1, 2033.

131 (8) Any development authorized under paragraph (7) (a) must  
132 be treated as a conforming use even after the expiration of  
133 subsection (7) and the development's affordability period as  
134 provided in paragraph (7) (a), notwithstanding the county's  
135 comprehensive plan, future land use designation, or zoning. If  
136 at any point during the development's affordability period the  
137 development violates the affordability period requirement  
138 provided in paragraph (7) (a), the development must be allowed a

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139 reasonable time to cure such violation. If the violation is not  
140 cured within a reasonable time, the development must be treated  
141 as a nonconforming use.

142 Section 2. Subsection (7) of section 166.04151, Florida  
143 Statutes, is amended, and subsection (8) is added to that  
144 section, to read:

145 166.04151 Affordable housing.—

146 (7)(a) A municipality must authorize multifamily and  
147 mixed-use residential as allowable uses in any area zoned for  
148 commercial, industrial, or mixed use if at least 40 percent of  
149 the residential units in a proposed multifamily ~~rental~~  
150 development are rental units that, for a period of at least 30  
151 years, are affordable as defined in s. 420.0004. Notwithstanding  
152 any other law, local ordinance, or regulation to the contrary, a  
153 municipality may not require a proposed multifamily development  
154 to obtain a zoning or land use change, special exception,  
155 conditional use approval, variance, or comprehensive plan  
156 amendment for the building height, zoning, and densities  
157 authorized under this subsection. For mixed-use residential  
158 projects, at least 65 percent of the total square footage must  
159 be used for residential purposes.

160 (b) A municipality may not restrict the density of a  
161 proposed development authorized under this subsection below the  
162 highest currently allowed density on any land in the  
163 municipality where residential development is allowed under the

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164 municipality's land development regulations. For purposes of  
165 this paragraph, the term "highest currently allowed density"  
166 does not include the density of any building that met the  
167 requirements of this subsection or the density of any building  
168 that has received any bonus, variance, or other special  
169 exception for density provided in the municipality's land  
170 development regulations as an incentive for development.

171 (c) A municipality may not restrict the floor area ratio  
172 of a proposed development authorized under this subsection below  
173 150 percent of the highest currently allowed floor area ratio on  
174 any land in the municipality where development is allowed under  
175 the municipality's land development regulations. For purposes of  
176 this paragraph, the term "highest currently allowed floor area  
177 ratio" does not include the floor area ratio of any building  
178 that met the requirements of this subsection or the floor area  
179 ratio of any building that has received any bonus, variance, or  
180 other special exception for floor area ratio provided in the  
181 municipality's land development regulations as an incentive for  
182 development. For purposes of this subsection, the term "floor  
183 area ratio" includes floor lot ratio.

184 (d)1.-(e) A municipality may not restrict the height of a  
185 proposed development authorized under this subsection below the  
186 highest currently allowed height for a commercial or residential  
187 building development located in its jurisdiction within 1 mile  
188 of the proposed development or 3 stories, whichever is higher.

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189 For purposes of this paragraph, the term "highest currently  
190 allowed height" does not include the height of any building that  
191 met the requirements of this subsection or the height of any  
192 building that has received any bonus, variance, or other special  
193 exception for height provided in the municipality's land  
194 development regulations as an incentive for development.

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

207 (e)~~(d)~~ A proposed development authorized under this  
208 subsection must be administratively approved and no further  
209 action by the governing body of the municipality is required if  
210 the development satisfies the municipality's land development  
211 regulations for multifamily developments in areas zoned for such  
212 use and is otherwise consistent with the comprehensive plan,  
213 with the exception of provisions establishing allowable

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214 densities, floor area ratios, height, and land use. Such land  
215 development regulations include, but are not limited to,  
216 regulations relating to setbacks and parking requirements. A  
217 proposed development located within one-quarter mile of a  
218 military installation identified in s. 163.3175(2) may not be  
219 administratively approved. Each municipality shall maintain on  
220 its website a policy containing procedures and expectations for  
221 administrative approval pursuant to this subsection.

222 (f)1.~~(e)~~ A municipality must consider reducing parking  
223 requirements for a proposed development authorized under this  
224 subsection if the development is located within one-quarter ~~one-~~  
225 ~~half~~ mile of a ~~major~~ transit stop, as defined in the  
226 municipality's land development code, and the ~~major~~ transit stop  
227 is accessible from the development.

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

231 a. Is located within one-half mile of a major  
232 transportation hub that is accessible from the proposed  
233 development by safe, pedestrian-friendly means, such as  
234 sidewalks, crosswalks, elevated pedestrian or bike paths, or  
235 other multimodal design features.

236 b. Has available parking within 600 feet of the proposed  
237 development which may consist of options such as on-street  
238 parking, parking lots, or parking garages available for use by

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239 residents of the proposed development. However, a municipality  
240 may not require that the available parking compensate for the  
241 reduction in parking requirements.

242 3. A municipality must eliminate parking requirements for  
243 a proposed mixed-use residential development authorized under  
244 this subsection within an area recognized by the municipality as  
245 a transit-oriented development or area, as provided in paragraph  
246 (h).

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

251 (g)-(f) A municipality that designates less than 20 percent  
252 of the land area within its jurisdiction for commercial or  
253 industrial use must authorize a proposed multifamily development  
254 as provided in this subsection in areas zoned for commercial or  
255 industrial use only if the proposed multifamily development is  
256 mixed-use residential.

257 (h) A proposed development authorized under this  
258 subsection which is located within a transit-oriented  
259 development or area, as recognized by the municipality, must be  
260 mixed-use residential and otherwise comply with requirements of  
261 the municipality's regulations applicable to the transit-  
262 oriented development or area except for use, height, density,  
263 floor area ratio, and parking as provided in this subsection or

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264 as otherwise agreed to by the municipality and the applicant for  
265 the development.

266 (i)-(g) Except as otherwise provided in this subsection, a  
267 development authorized under this subsection must comply with  
268 all applicable state and local laws and regulations.

269 (j)1. Nothing in this subsection precludes a municipality  
270 from granting a bonus, variance, conditional use, or other  
271 special exception to height, density, or floor area ratio in  
272 addition to the height, density, and floor area ratio  
273 requirements in this subsection.

274 2. Nothing in this subsection precludes a proposed  
275 development authorized under this subsection from receiving a  
276 bonus for density, height, or floor area ratio pursuant to an  
277 ordinance or regulation of the jurisdiction where the proposed  
278 development is located if the proposed development satisfies the  
279 conditions to receive the bonus except for any condition which  
280 conflicts with this subsection. If a proposed development  
281 qualifies for such bonus, the bonus must be administratively  
282 approved by the municipality and no further action by the  
283 governing body of the municipality is required.

284 (k)-(h) This subsection does not apply to:

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

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

288 (l)-(i) This subsection expires October 1, 2033.

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289 (8) Any development authorized under paragraph (7) (a) must  
290 be treated as a conforming use even after the expiration of  
291 subsection (7) and the development's affordability period as  
292 provided in paragraph (7) (a), notwithstanding the municipality's  
293 comprehensive plan, future land use designation, or zoning. If  
294 at any point during the development's affordability period the  
295 development violates the affordability period requirement  
296 provided in paragraph (7) (a), the development must be allowed a  
297 reasonable time to cure such violation. If the violation is not  
298 cured within a reasonable time, the development must be treated  
299 as a nonconforming use.

300 Section 3. An applicant for a proposed development  
301 authorized under s. 125.01055(7) or s. 166.04151(7), Florida  
302 Statutes, who submitted an application, written request, or  
303 notice of intent to utilize such provisions to the county or  
304 municipality and which has been received by the county or  
305 municipality, as applicable, before the effective date of this  
306 act may notify the county or municipality by July 1, 2024, of  
307 its intent to proceed under the provisions of ss. 125.01055(7)  
308 or 166.04151(7), Florida Statutes, as they existed at the time  
309 of submittal. A county or municipality shall allow an applicant  
310 who submitted such application, written request, or notice of  
311 intent before the effective date of this act the opportunity to  
312 submit a revised application, written request, or notice of  
313 intent to account for the changes made by this act.

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**T I T L E   A M E N D M E N T**

Remove lines 36-40 and insert:

conditions are satisfied; requiring that such bonuses be  
administratively approved by counties and municipalities,  
respectively; revising applicability; authorizing that specified  
developments be treated as a conforming use under certain  
circumstances; authorizing that specified developments be  
treated as a nonconforming use under certain circumstances;  
authorizing applicants for certain proposed developments to  
notify a county or municipality, as applicable, of their intent  
to proceed under certain provisions; requiring counties and  
municipalities to allow certain applicants to submit a revised  
application, written request, or notice of intent;