

Town of Lauderdale-By-The-Sea

Regular Town Commission

Agenda

Tuesday, April 8, 2025

6:30 PM



Jarvis Hall 4505 N. Ocean Drive
www.Lauderdalebythesea-fl.gov

LAUDERDALE-BY-THE-SEA TOWN COMMISSION

Mayor Edmund Malkoon
Vice Mayor Randy Strauss
Commissioner Richard DeNapoli
Commissioner John A. Graziano
Commissioner Theo Pouloupoulos

Linda Connors, Town Manager
Susan Trevarthen, Town Attorney
Katrina Adler, Town Clerk

Regular Town Commission

Tuesday, April 8, 2025, 6:30 PM
Jarvis Hall 4505 N. Ocean Drive

1. **CALL TO ORDER, MAYOR EDMUND MALKOON**
2. **PLEDGE OF ALLEGIANCE TO THE FLAG**
3. **INVOCATION by Pauline Brooks McGuinness representing the Bahai Faith**
4. **ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS**
5. **PRESENTATIONS**
 - 5.a. 2025 Arbor Day Proclamation
 - 5.b. Child Abuse Prevention Month Proclamation
 - 5.c. El Prado Park Update
6. **PUBLIC COMMENTS**
7. **PUBLIC SAFETY DISCUSSION**
8. **TOWN MANAGER REPORT**
 - 8.a. Town Manager Report
9. **TOWN ATTORNEY REPORT**
10. **APPROVAL OF MINUTES**
 - 10.a. Approval of Minutes for March 11, 2025.
11. **CONSENT AGENDA**
12. **OLD BUSINESS**
13. **NEW BUSINESS**
 - 13.a. Commissioner Graziano's Request to Adopt a Resolution To Include Lauderdale-By-The-Sea on the List of Eligible Municipalities for Undergrounding Utilities
 - 13.b. North Silver Shores Traffic Calming
14. **COMMISSIONER PRESENTATIONS**
15. **COMMISSIONER COMMENTS**
16. **ORDINANCES 1st Reading**
 - 16.a. Ordinance 2025-03: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 20, "UTILITIES," OF THE TOWN'S CODE OF ORDINANCES BY AMENDING ARTICLE II, "SANITARY SEWER SYSTEM," SECTION 20-19 "RATES AND CHARGES"; AND PROVIDING FOR

SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

- 16.b.** ORDINANCE 2025-04 AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 5, "BEACHES AND WATERWAYS," ARTICLE I, "IN GENERAL," SECTION 5-7, "FISHING REGULATED; EXHIBITING FISH ON BEACH AND SPEARFISHING PROHIBITED," OF THE TOWN'S CODE OF ORDINANCES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

17. ORDINANCES 2nd Reading

18. RESOLUTIONS – PUBLIC COMMENTS

- 18.a.** Resolution 2025-22 A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, URGING THE FLORIDA LEGISLATURE AND THE FLORIDA GOVERNOR TO OPPOSE FURTHER PREEMPTIONS OF HOME RULE AUTHORITY IN HOUSE BILL 943 AND SENATE BILL 1730 (LIVE LOCAL ACT AMENDMENTS); PROVIDING DIRECTION TO TOWN OFFICIALS; PROVIDING FOR AN EFFECTIVE DATE.

19. QUASI JUDICIAL PUBLIC HEARINGS

20. ADJOURNMENT

THE TOWN OF LAUDERDALE-BY-THE-SEA WILL FURNISH APPROPRIATE AUXILIARY AIDS AND SERVICES NECESSARY TO AFFORD INDIVIDUALS AN EQUAL OPPORTUNITY TO PARTICIPATE IN MEETINGS OF THE TOWN COMMISSION. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATUTE 286.26, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING

SHOULD CONTACT THE TOWN CLERK NO LATER THAN TWO (2) DAYS PRIOR TO THE MEETING AT (954) 640-4200 FOR ASSISTANCE.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE TOWN COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSES MAY NEED TO ENSURE THAT A VERBATIM RECORDING OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PROCEDURES FOR PUBLIC COMMENTS:

Public Comments may address issues that are not on this meeting's agenda, but should relate to the business of the Town, and should not contain personal attacks. If your comment requires follow up, the Town Manager will have a staff person respond to your concerns, and will advise us of the outcome.

The Town Clerk will read off the names of those who have signed up to speak. When your name is called, please come to the podium, state your name for the record, and indicate whether you are a Town resident. Do not state your address. You have up to three minutes to make your comments, but there is no requirement to use the entire time. If you wish to address a particular Commissioner or member of Town Administration, please do so by use of their title.

If you wish to approach the Commission dais to hand out a document or for some other reason, please request permission and state your reason for doing so. All documents to be provided to the Commission should be handed to the Town Clerk for distribution.

These procedures have been developed to assure that the Town Commission meeting time is efficiently used, and that meetings are conducted in a polite and respectful manner. More information on the decorum rules for Town Commission meetings is available in Section 2-23 of the Town Code of Ordinances.

INVOCATION:

The Invocation before each Town Commission meeting is a voluntary service of a private citizen, offered to serve the spiritual needs of the members of the Town Commission and solemnize the meeting. It is not intended to be an opportunity to advance or disparage one faith or belief over another. The views expressed in the Invocation have not been previously reviewed by the Town and do not necessarily represent the beliefs of any Town employee or official. No person is required to be present at or participate in the Invocation, and the decision whether to be present or participate in the Invocation will not affect any person's right to actively participate in the official business of the Town or obtain any benefit from the Town. The Town's written Invocation policy is available on its website, and upon written request to the Town Clerk.all static



Agenda Item No: 5.a.

Town Commission Agenda Item Report

Meeting Date: April 8, 2025

Submitted By: Ken Rubach, Deputy Town Manager/Public Works Director

Submitting Department: Administration

Item Type: Presentation

Agenda Section: PRESENTATIONS

Subject Title: 2025 Arbor Day Proclamation

Explanation: Arbor Day is celebrated on the last Friday in April. The Town will be hosting the Garden Club for a tree planting ceremony on Friday, April 25th, 2025 at 11:00am at Friedt Park.

Recommendation: N/A

Exhibits:

1. Arbor Day Proclamation

Proclamation

*Issued by the Governing Body of the Town of
Lauderdale-By-The-Sea, Florida*

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and Arbor Day is now observed throughout the nation and the world; and

WHEREAS, National Arbor Day is celebrated the last Friday in April; and

WHEREAS, trees reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees in our Town increase property values, enhance the economic vitality of business areas and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal; and

WHEREAS, Arbor Day encourages the preservation and replenishment of trees bestowing a long-range benefit on generations to come; and

WHEREAS, on Friday, April 25th 2025, at Lauderdale-By-The-Sea a tree planting will begin at 11:00 a.m. to commemorate Arbor Day; and

NOW, THEREFORE, I, Edmund Malkoon, Mayor of the Town of Lauderdale-By-The-Sea, Florida, and in concurrence with the Town Commission hereby proclaim *Friday April 25, 2025*, as:

"Arbor Day"

In the Town of Lauderdale-By-The-Sea, Florida and urge all citizens to celebrate Arbor Day and to support efforts to care for and protect our trees, and further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

*In witness wherof we have hereunto set our
hands and caused this seal to be affixed*



Edmund Malkoon, Mayor

Katrina Adler, Town Clerk



Agenda Item No: 5.b.

Town Commission Agenda Item Report

Meeting Date: April 8, 2025

Submitted By: Katrina Adler, Town Clerk

Submitting Department: Administration

Item Type: Presentation

Agenda Section: PRESENTATIONS

Subject Title: Child Abuse Prevention Month Proclamation

Explanation: A proclamation will be read by Mayor Malkoon designating April as Child Abuse Prevention Month.

Recommendation: N/A

Exhibits:

1. Child Abuse Prevention Month

Proclamation

*Issued by the Governing Body of the Town of
Lauderdale-By-The-Sea, Florida*

WHEREAS, Florida's bright future depends on the healthy development and well-being of its children; and

WHEREAS, adverse childhood experiences, including the abuse and neglect of children, can have severe and long-lasting consequences for children, families, and society as a whole; and

WHEREAS, every child has the right to a safe, healthy, and happy childhood, where they are supported in achieving their educational and developmental milestones; and

WHEREAS, research demonstrates that parents and caregivers who have strong support systems and access to resources are more resilient and better equipped to provide safe, nurturing environments for their children; and

WHEREAS, it is essential for individuals, schools, community organizations, and local governments to prioritize children and take action to support their physical, social, emotional, and educational development; and

WHEREAS, the Children's Services Council of Broward County is committed to supporting families by funding Family Support Programs designed to reduce the incidence and impact of child abuse, neglect, and trauma. These programs stabilize families in crisis, promote positive parenting strategies, prevent out-of-home placements, and reduce involvement in the dependency system; and

WHEREAS, Broward AWARE!, a countywide campaign led by the Children's Services Council and its partners, aims to raise awareness of child abuse prevention by promoting healthy child development, positive parenting practices, and community engagement; and

WHEREAS, Child Abuse Prevention Month provides an important opportunity to encourage all Floridians to participate in activities that strengthen families and communities, creating environments where children can thrive;

NOW, THEREFORE, I, Edmund Malkoon, Mayor, on behalf of the Town Commission and residents of Lauderdale-By-The-Sea, hereby designate **April 2025** as

"Child Abuse Prevention Month"

*In witness whereof we have hereunto set our
hands and caused this seal to be affixed*

Edmund Malkoon, Mayor

Katrina Adler, Town Clerk





Agenda Item No: 5.c.

Town Commission Agenda Item Report

Meeting Date: April 8, 2025

Submitted By: Ken Rubach, Deputy Town Manager/Public Works Director

Submitting Department: Administration

Item Type: Presentation

Agenda Section: PRESENTATIONS

Subject Title: El Prado Park Update

Explanation:

On February 25th, Hitchcock Design Group hosted a community meeting to gather input on proposed renovations to El Prado Park. In addition to the meeting, a survey was promoted both at the park and on our social media channels to further solicit community feedback. Hitchcock Design Group reviewed the 128 survey responses and incorporated this input into two potential park designs.

On April 8th, these designs were presented at a community meeting in Jarvis Hall at 5:00 p.m. This presentation will focus on the proposed designs and the feedback received from the community.

Recommendation: Review the two proposed options and select one to move forward. In May, a final master plan and cost estimates will be presented for the Town Commission's consideration.

Exhibits:

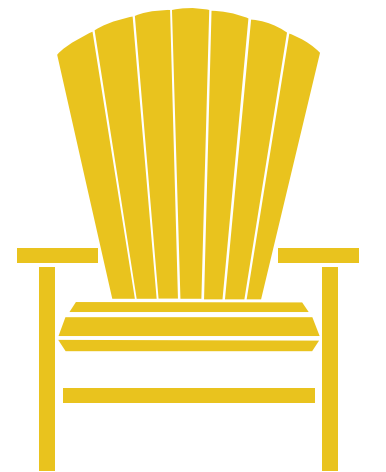
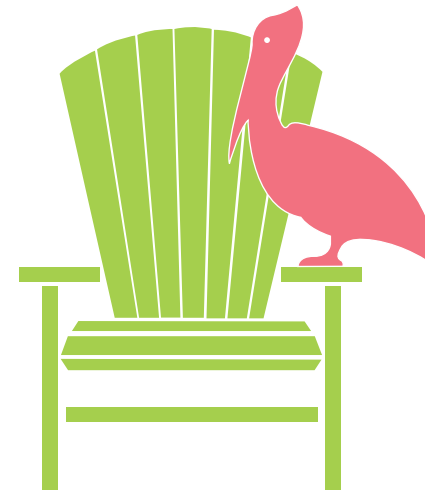
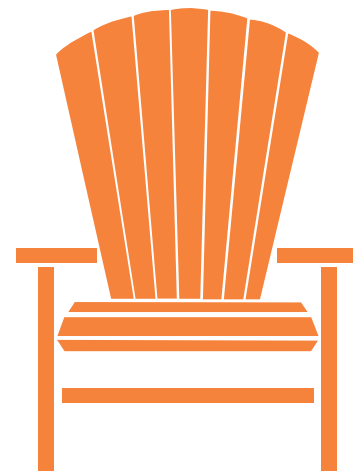
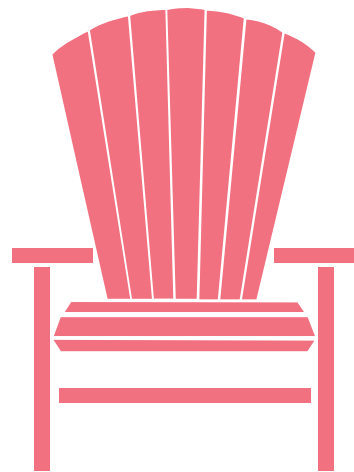
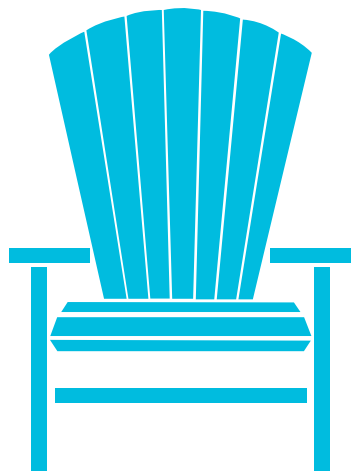
1. El Prado Park Community Input & Commission Mtg #2



COMMUNITY INPUT / CONCEPTUAL DESIGN PACKAGE

El Prado Park

Lauderdale-By-The-Sea, Florida



COMMUNITY INPUT SUMMARY

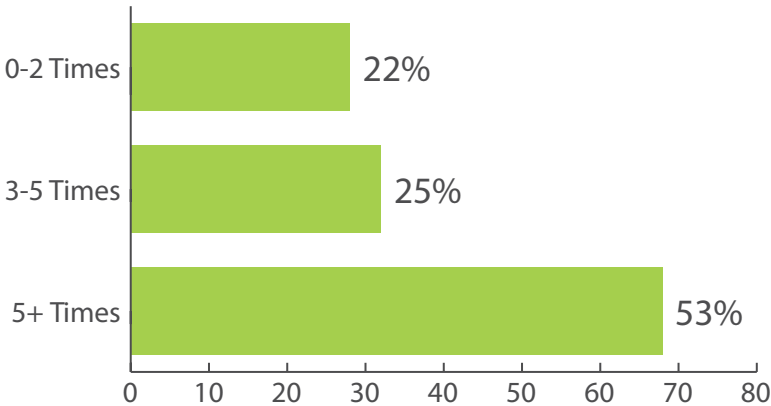
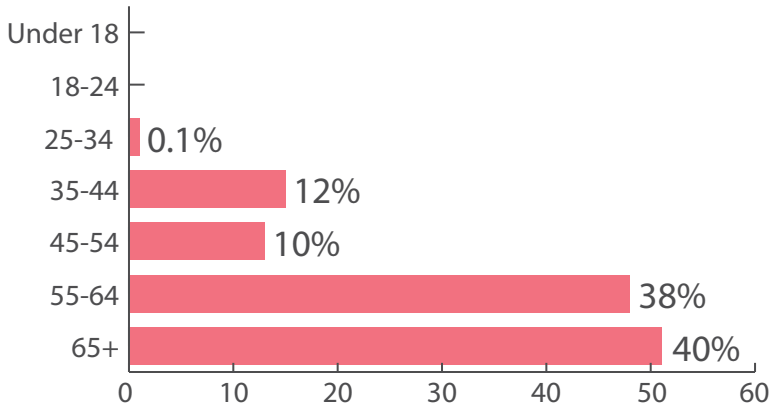
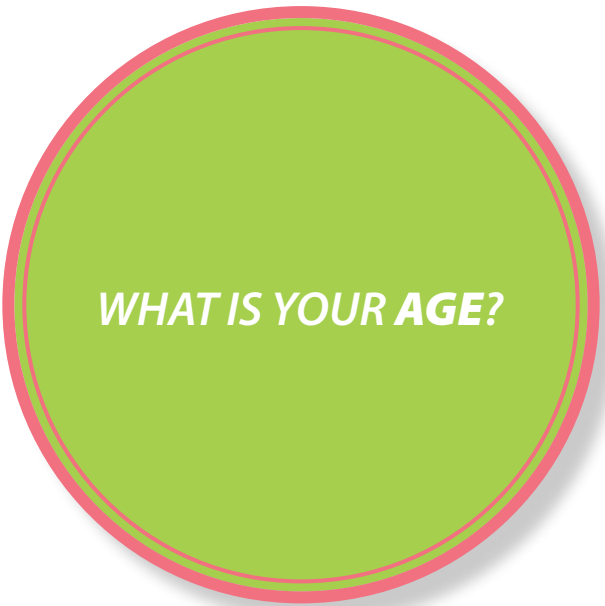
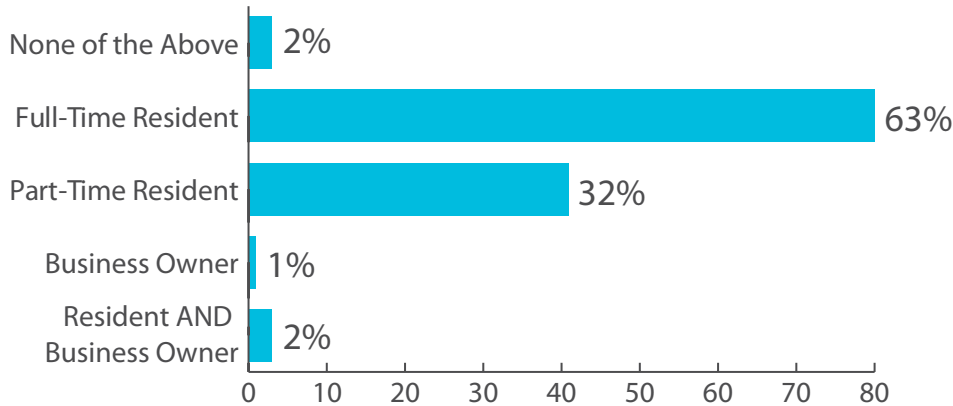
Input Was Gathered From An Online Survey, Which Included **128 Participants**



- 7-8 PARTICIPANTS
- 5-6 PARTICIPANTS
- 3-4 PARTICIPANTS
- 2 PARTICIPANTS
- 1 PARTICIPANT

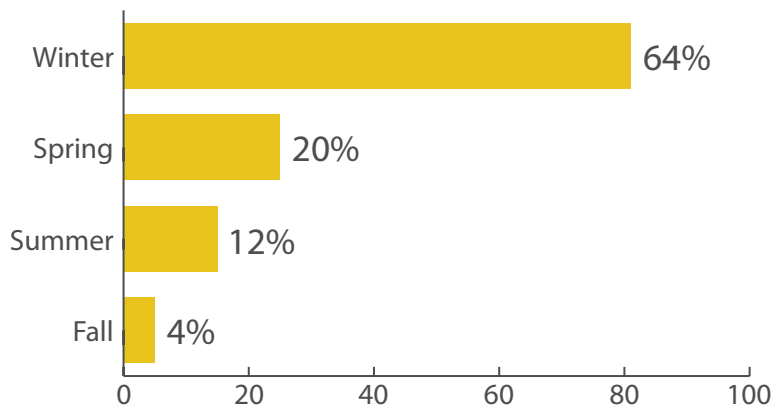
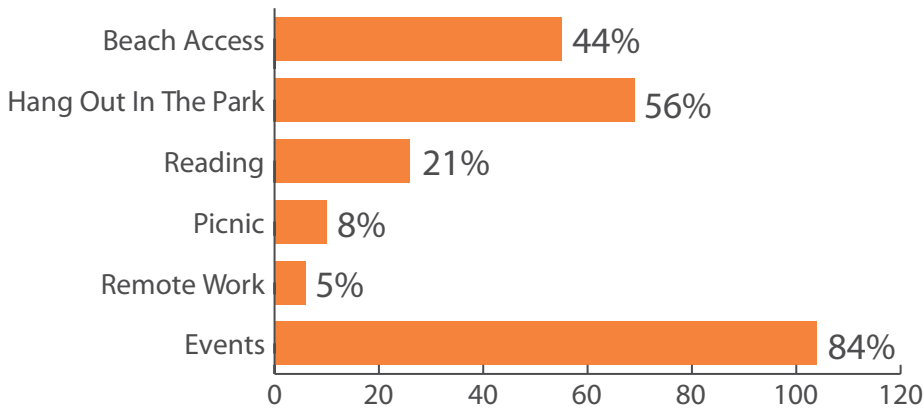
COMMUNITY INPUT SUMMARY

Input Was Gathered From An Online Survey, Which Included 128 Participants



COMMUNITY INPUT SUMMARY

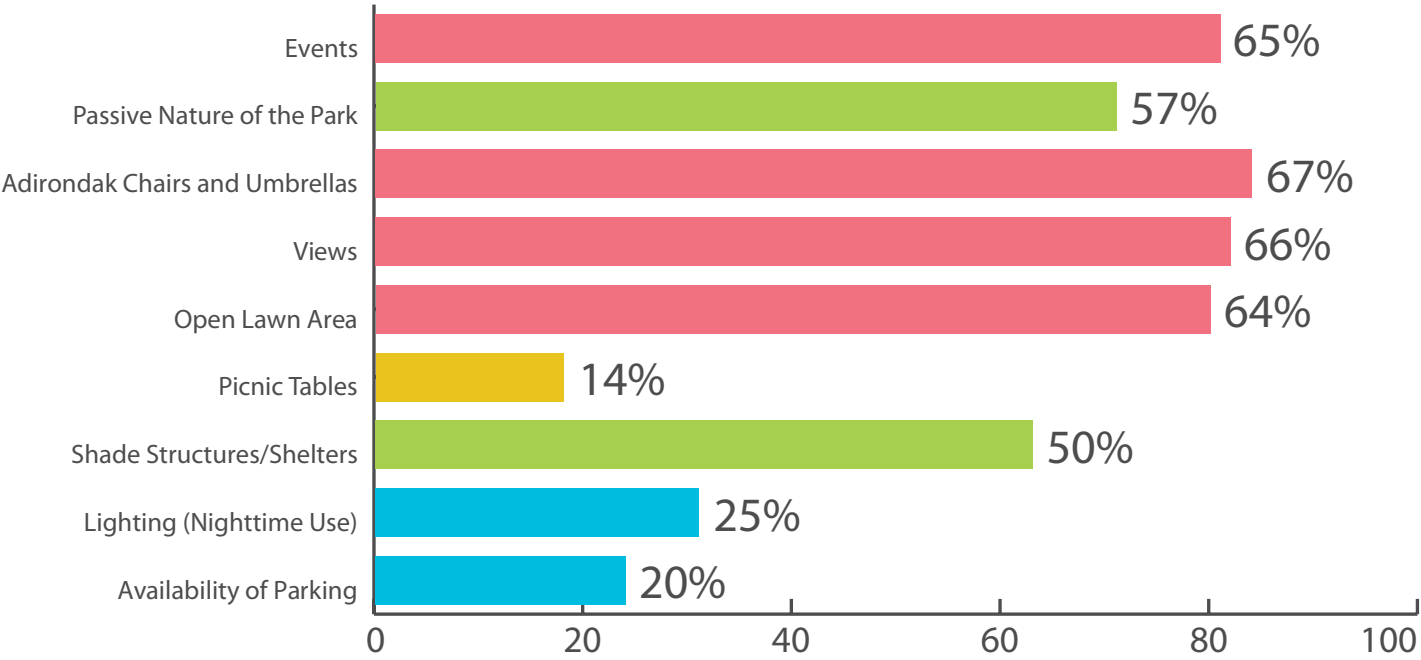
Input Was Gathered From An Online Survey, Which Included 128 Participants



COMMUNITY INPUT SUMMARY

Input Was Gathered From An Online Survey, Which Included 128 Participants

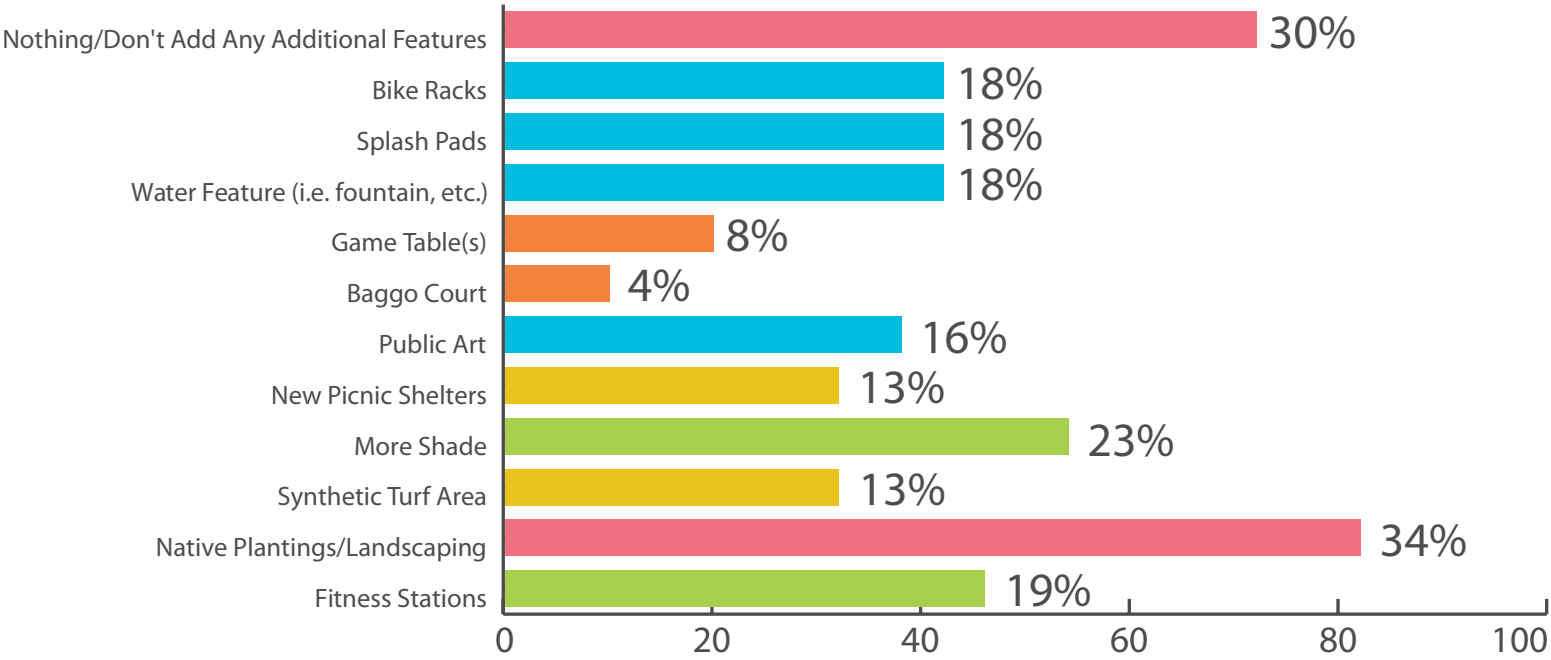
WHAT EXISTING EL PRADO PARK FEATURES ARE THE MOST IMPORTANT TO YOU?



Other:



WHAT OTHER PASSIVE PARK FEATURES SHOULD BE CONSIDERED THAT WOULD INCREASE YOUR DESIRE TO VISIT EL PRADO PARK?



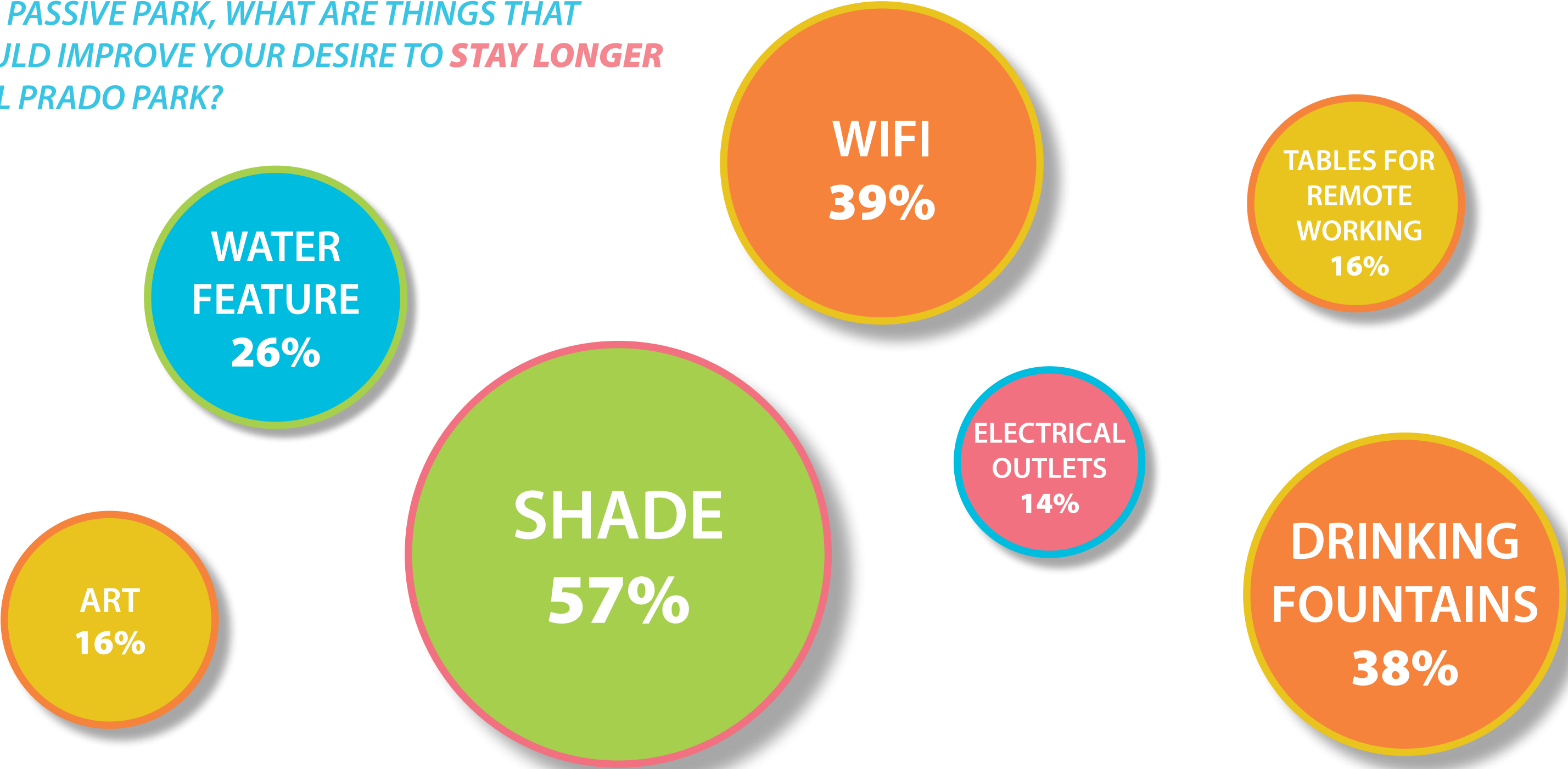
Other:



COMMUNITY INPUT SUMMARY

Input Was Gathered From An Online Survey, Which Included 128 Participants

AS A PASSIVE PARK, WHAT ARE THINGS THAT WOULD IMPROVE YOUR DESIRE TO **STAY LONGER** AT EL PRADO PARK?



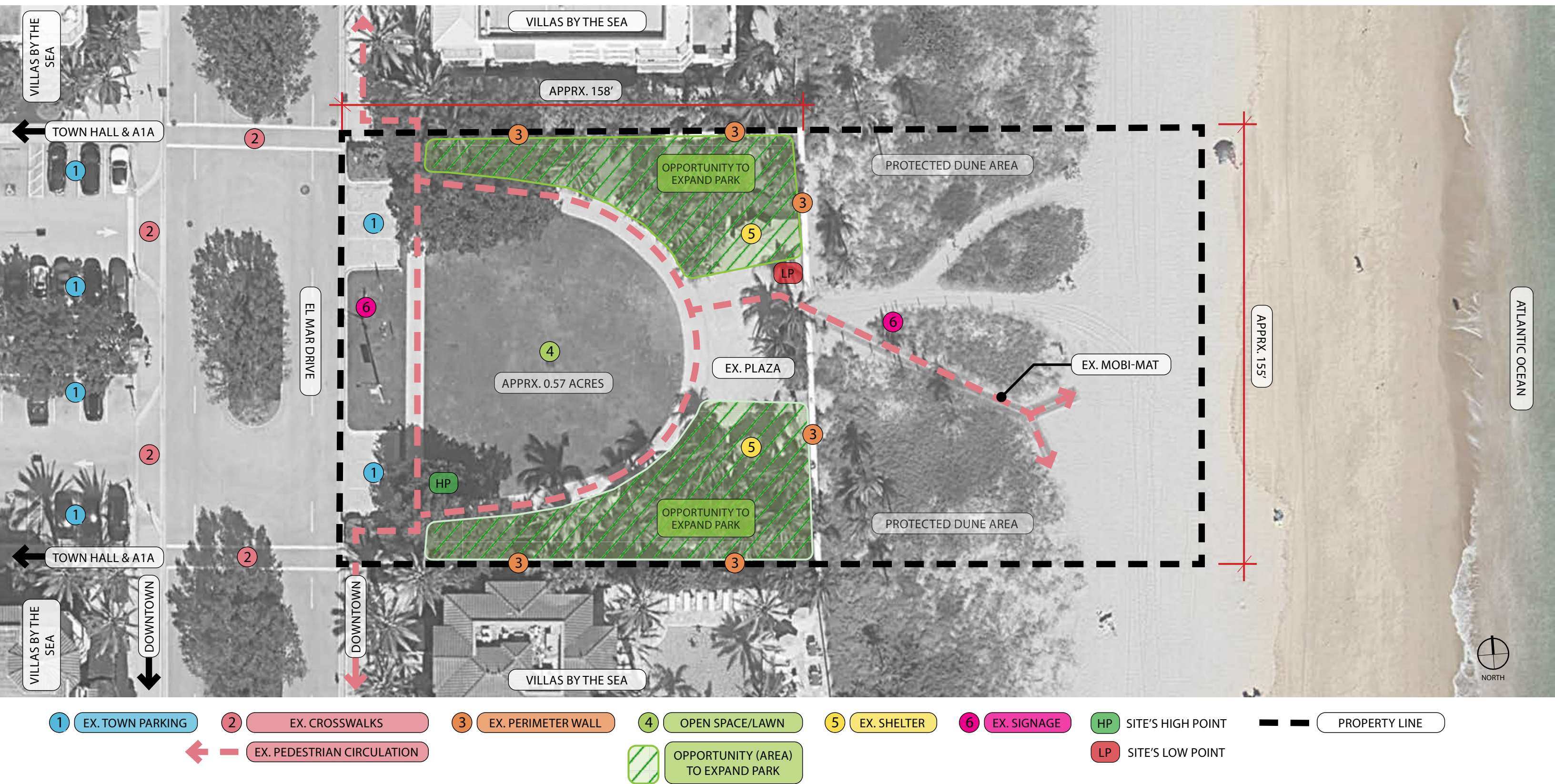
COMMUNITY INPUT SUMMARY

Input Was Gathered From An Online Survey, Which Included 128 Participants

IS THERE ANYTHING YOU **DON'T** WANT TO SEE CHANGED AT EL PRADO PARK?



SITE INVENTORY & ANALYSIS DIAGRAM



CHARACTER IMAGES - MID CENTURY MODERN



CHARACTER IMAGES - PARK



CONCEPT DESIGN - A



CONCEPT DESIGN - B

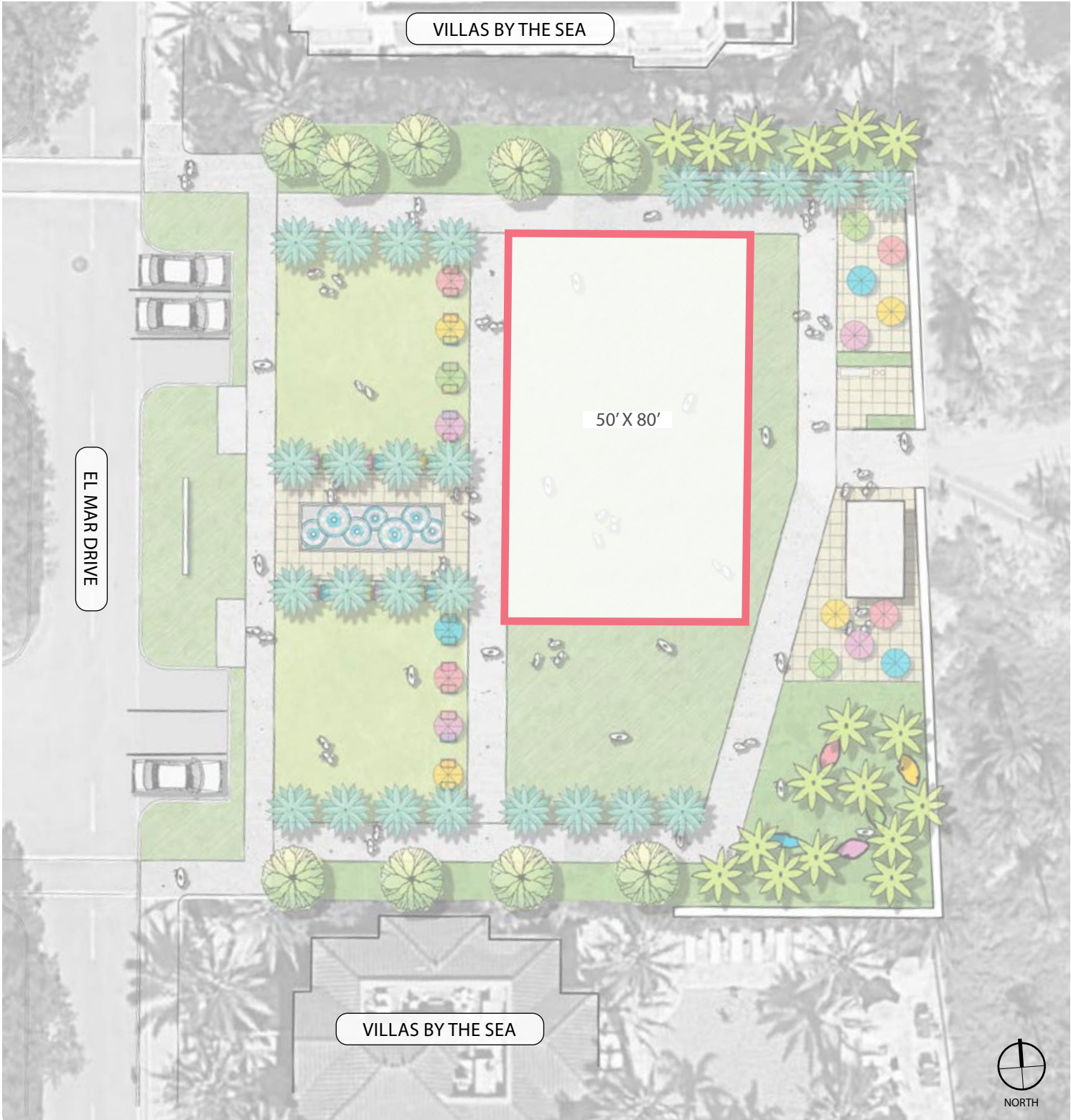


EVENT TENT DIAGRAM

Concept A



Concept B

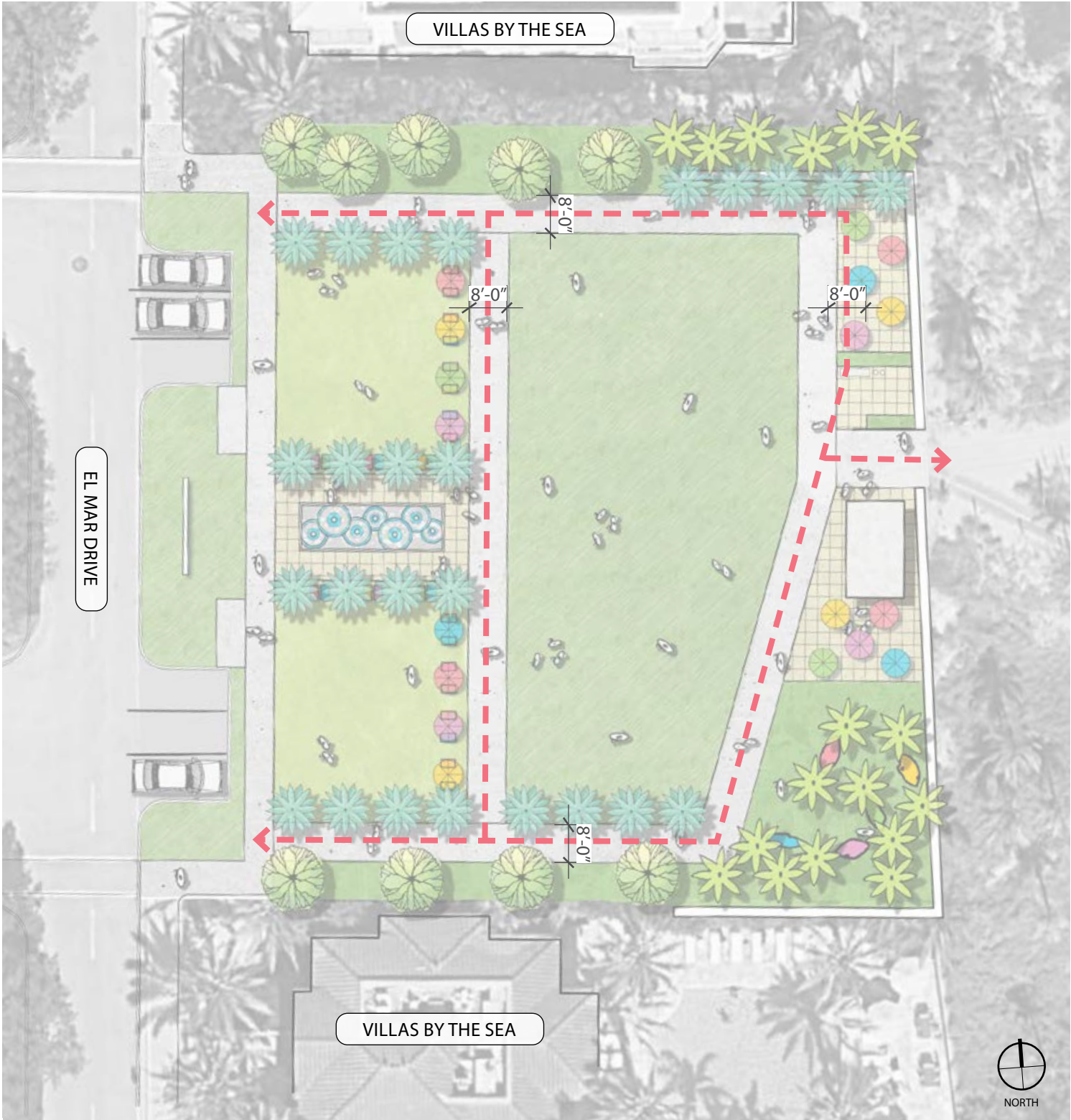


MAINTENANCE CIRCULATION DIAGRAM

Concept A

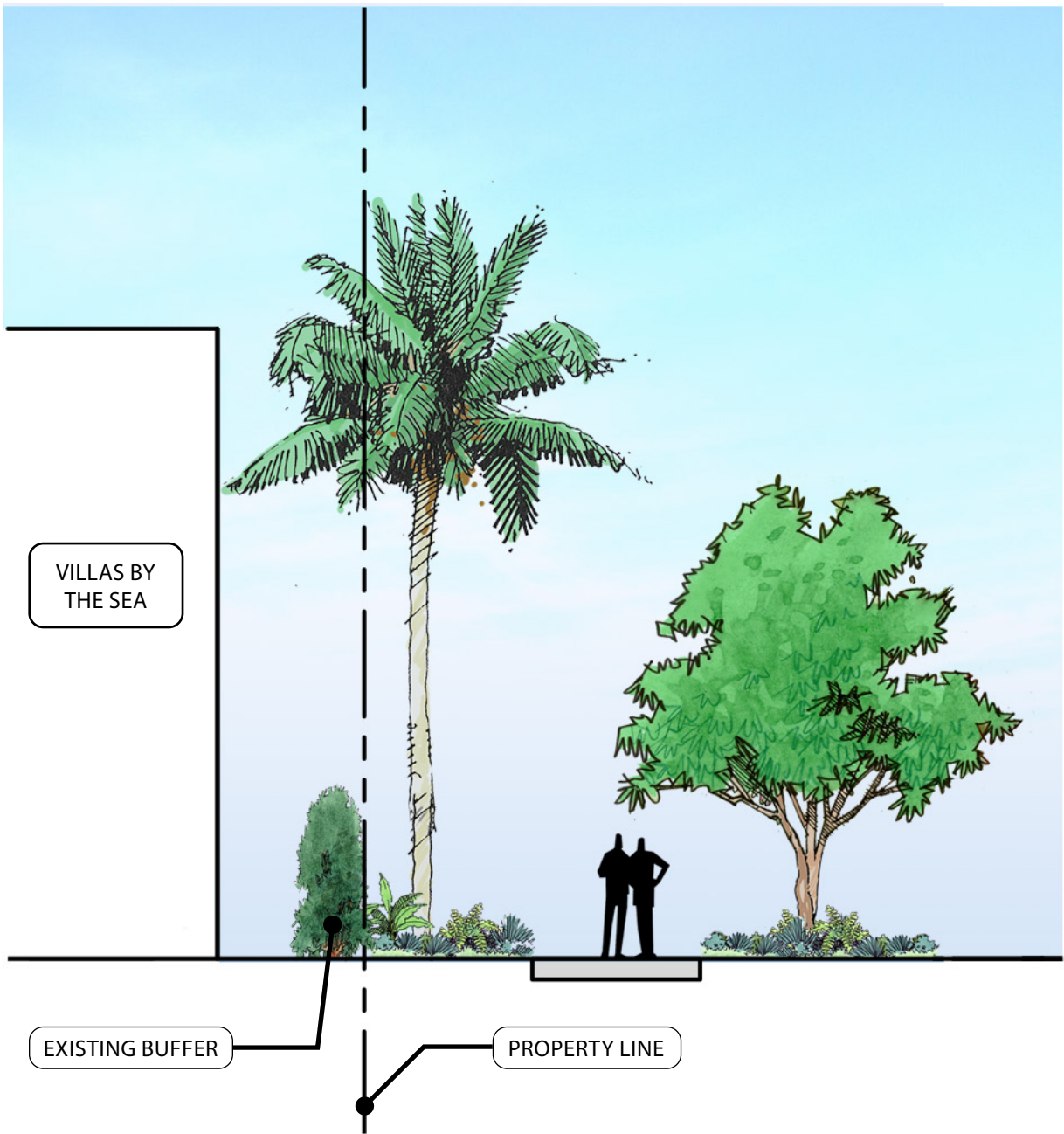


Concept B

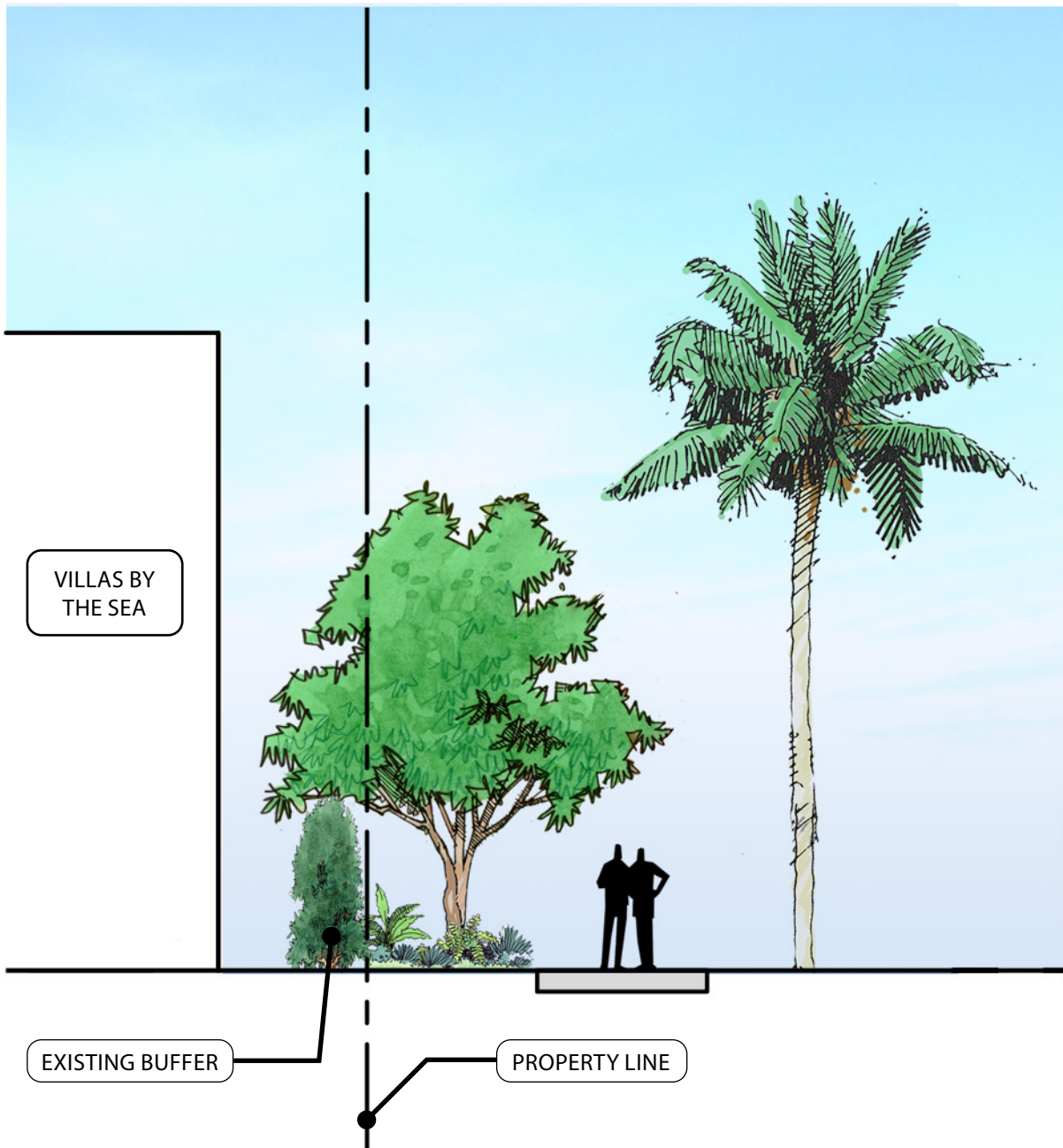


BUFFER SECTIONS

Concept A



Concept B



CHARACTER IMAGES - BUFFER



CONCEPT COMPARISON

Concept A



Concept B





Town Commission Agenda Item Report

Meeting Date: April 8, 2025

Submitted By: Linda Connors, Town Manager

Submitting Department: Administration

Item Type: Town Manager Report

Agenda Section: TOWN MANAGER REPORT

Subject Title: Town Manager Report

Explanation:

1. David Lee - Assistant Development Services Director - Planning and Building

We have hired a familiar face as the Town's Assistant Development Services Director. David Lee has been working in Lauderdale-By-The-Sea for CAP Government (building department) for ten years and has worked with other municipalities in the Zoning/Building field since 2002.

David is a fan favorite and we are happy to have him work with us instead of for us! His hiring completes the Development Services team!

2. Vision Update

On Saturday, March 31, the Town held a visioning workshop. Residents and businesses were asked to provide their thoughts and aspirations that will aid in charting the future course of the Town. We are also encouraging residents who were unable to the workshop to provide their input via survey that is available at: <https://www.lauderdalebythesea-fl.gov/FormCenter/Misc-Forms-10/Visioning-for-a-bright-future-in-Lauderd-64> Our next meeting will take place on April 22nd at 5PM in Jarvis Hall prior to the Commission meeting. We encourage all residents to attend and participate in this important process

3. Website Usage

Last year, we had over 130,000 new users to our website and received over 344,000 views. Our most visited pages included Circuit-By-The-Sea, the Town calendar and the Town Agendas and Meetings videos. Beside building department documents, the most downloaded documents were the April-June Town Topics and "A Living History" which was written by Town resident Martha E. Munzer in 1989. The top most searched topic was the Anglin's Pier timeline.

4. League of Cities Gala

The Broward League of Cities is holding their 68th annual gala at the Margaritaville Beach Resort on Saturday, June 7th. The Town has a long history of supporting this event at the Premier sponsor level.

We currently have \$5,000 for a premier sponsorship in the budget again this year. Staff is looking for direction on if you'd like to continue at this support tier, or if you'd like to shift down to a minimum sponsor for \$3,500 (**Exhibit 1**).

PREMIER SPONSOR \$5,000	MINIMUM SPONSOR \$3,500
Premium reserved table for 10	6 dinner tickets
Complimentary valet parking	Complimentary valet parking
Half page ad in Gala e-program	City listing in Gala e-program
Prominent screen recognition at Gala and on League website	
Pre & Post social media recognition	Pre & Post social media recognition
Signage recognition at gala	Signage recognition at Gala
Pre & Post Gala press release recognition	

5. Circuit Update

Mayor Malkoon asked staff for an update on Circuit. Since implementing the fares in mid-January 2025, we have collected \$10,216 in gross revenue through March 23rd. Ridership has remained strong, with February being our highest ridership month in the history of the program—despite being a short month. Additionally, we've seen a 47% year-over-year increase in total passenger volume over the past 14 months. For March, it is projected that we will break the 11,000 rider mark. Even with this demand, average wait times remain 10-11 minutes.

Wait Times

Peak demand is 5 - 7 pm on Fridays, and that demand calls for 10 vehicles to keep wait times consistently around 8–10 minutes. From 3 pm - 8 pm on all days, we are completely maxed out and demand calls for an average of 7 vehicles during these times. This is great, demand is the ultimate validation of Community need aligned with user experience, but it does mean at these peak times, wait times will generally be longer, and each ETA will be based on the routes of all requests in the system at that given time. Over the past 3 months, which includes most of the "peak" season, 80% of rides have wait times under 15 min and 90% under 20 min. In the 3 months of "off-peak" season, 90% of wait times are under 15 min, with 77% under 10 min.

Staff is investigating the costs of adding a part-time vehicle to reduce the wait times. We will also look toward grants (although they would not be available immediately) and sharing additional Circuit costs with Fort Lauderdale.

6. Special Events



This Spring we will kick off our Movies in the Park series. The events will take place in El Prado Park starting at 6:00 p.m. Each event will feature a movie, complimentary popcorn, and themed entertainment.

- Friday, April 11th - Trolls Band Together
- Friday, May 9th - Lilo & Stitch
- Friday, June 13th- Pirates of the Caribbean

We hope you'll grab your blankets, chairs, family, and friends and come join us!



Saturday, April 19th the Town is hosting our annual Easter Egg Hunt. The celebration will take place from 9:00 a.m. - 10:00 a.m. in Friedt Family Park behind the fire station. The event, geared towards kids ages 11 and under, will include egg hunts for various age groups, photo opportunities, and more.

7. Pier Sign

At the September 12, 2024 Town Commission meeting, the Commission voted to install the Pier sign that was previously removed during the downtown's renovation. After searching through the town's records, staff could find no proof of ownership. At the meeting, the Commission agreed that the Pier owned the sign. The Commission also agreed that the Town would absorb the cost of drafting the easement and reinstalling the sign. The future maintenance of the sign would be the responsibility of the owner. The easement would allow a private sign on public property and provide stipulations regarding maintenance. After four months, the agreement has not been signed. Staff is asking for direction from the Commission; would the Commission support removing the sign from Town property and providing it to the Pier for their use on private property?

8. IPW CONFERENCE

The IPW Conference, hosted by the U.S. Travel Association, is the largest driver of

international tourism. Fort Lauderdale has the honor of hosting this conference in 2026. Attendees of the conference include travel enthusiasts, buyers, journalists, and tourism officials from over 60 countries. The estimated impact to the community is over \$14 billion over the next few years as a result of hosting this event.

Katie Anderson, our Events & Marketing Manager, has been sitting in on preliminary planning meetings with the Visit Lauderdale team and other committee members as planning continues for the upcoming conference. We are looking forward to opportunities for Lauderdale-By-The-Sea to get involved and showcase our spectacular beach town. This is an amazing chance for the hotels, restaurants, and retail storefronts alike to see an impact from this influx of tourists. We have reached out to the Visit Lauderdale team to coordinate schedules for them to come and share a brief presentation with you all to provide a more in-depth picture of what the IPW Conference is, the dramatic impact it will have, and could have, and what has been planned thus far so you are all up to date as Staff brings opportunities to you all down the road.

9. Upcoming Meetings

Date	Meeting	Time
April 22	Vision Meeting	5:00 PM
April 22	Commission Meeting	6:30 PM
April 24	Special Magistrate Meeting	5:00 PM
May 1	Charter Review Board Meeting	6:00 PM

Recommendation:

Exhibits:

1. LeagueofCities_2025Sponsorships



BROWARD LEAGUE OF CITIES

68th Annual Gala

Margaritaville Beach Resort | June 7, 2025

MUNICIPAL FRIEND LEVELS & BENEFITS

PARAMOUNT SPONSOR | \$10,000

- Premium Reserved Table for 10
- Complimentary Valet Parking
- Full Page Ad in Gala e-Program
- Prominent Screen Recognition at Gala & on League Website
- Signage Recognition at Gala
- Verbal Recognition at Gala
- Pre & Post Social Media Recognition
- Pre & Post Gala Press Release Recognition

PREMIER SPONSOR | \$5,000

- Premium Reserved Table for 10
- Complimentary Valet Parking
- Half Page Ad in Gala e-Program
- Prominent Screen Recognition at Gala & on League Website
- Pre & Post Social Media Recognition
- Signage Recognition at Gala
- Verbal Recognition at Gala
- Pre & Post Gala Press Release Recognition

MINIMUM SPONSOR | \$3,500

- 6 Dinner Tickets
- Complimentary Valet Parking
- City Listing in Gala e-Program
- Signage Recognition at Gala
- Pre & Post Social Media Recognition



BROWARD LEAGUE OF CITIES

68th Annual Gala

Margaritaville Beach Resort | June 7, 2025

MUNICIPAL FRIEND LEVELS & BENEFITS

Please complete and return to:
Broward League of Cities
115 South Andrews Avenue, Suite 122
Fort Lauderdale, Florida 33301

For additional information, please call 954.357.7370 or email
mltighe@browardleague.org.

All cancellations must be received by May 23, 2025

**WE ARE PLEASED TO SUPPORT THE BROWARD LEAGUE
OF CITIES 68TH ANNUAL GALA AT THE FOLLOWING LEVEL:**

- ☐ **PARAMOUNT.....\$10,000**
- ☐ **PREMIER\$5,000**
- ☐ **MINIMUM.....\$3,500**

City: _____

Contact: _____

Phone: _____ Email: _____

Ad Deadline is May 16, 2025 at 12:00 Noon
Full Page Ad Size is 11"H x 8.5"W
Half Page Ad Size is 5.5"H x 8.5"W
Logo Preference: High Resolution PNG



Agenda Item No: 10.a.

Town Commission Agenda Item Report

Meeting Date: April 8, 2025

Submitted By: Katrina Adler, Town Clerk

Submitting Department: Administration

Item Type: Approval of Minutes

Agenda Section: APPROVAL OF MINUTES

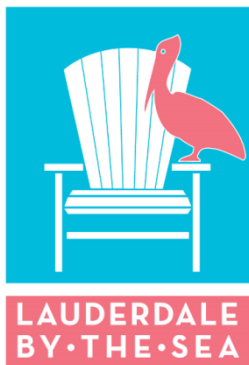
Subject Title: Approval of Minutes for March 11, 2025.

Explanation: Draft minutes for review for March 11, 2025.

Recommendation: Accept/Approve

Exhibits:

1. 3-11-25 Regular Commission Meeting Draft Minutes



DRAFT
TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 N. Ocean Drive
Tuesday, March 11, 2025
6:30 PM

1. CALL TO ORDER, MAYOR EDMUND MALKOON

Mayor Edmund Malkoon called the meeting to order at 6:30 p.m. Also present were Vice Mayor Randy Strauss, Commissioner Richard DeNapoli, Commissioner John A. Graziano, Commissioner Theo Pouloupoulos (by phone), Town Manager Linda Connors, Deputy Town Manager/Public Works Director Ken Rubach, Town Attorney Susan L. Trevarthen, Assistant to the Town Manager Courtney Easley, Development Services Director Jhanelle Campbell, Assistant Development Services Director Terry-Ann Boyd, Events and Marketing Manager Katie Anderson, and Town Clerk Katrina Adler.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Rabbi Benzion Singer gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

a. Sanitary Sewer Fund Presentation

Deputy Town Manager/Public Works Director Ken Rubach gave a presentation on the Town's Sanitary Sewer Fund. This is an Enterprise Fund, which means all money collected from sewer rates goes into the Fund. No millage rate money goes into this Fund.

The Town's system is divided, with the half of the system south of Pine Avenue belonging to Lauderdale-By-The-Sea and the northern half belonging to Pompano Beach, which sets its own rates.

The Fund pays for the transportation and treatment of wastewater, which is any water from a household that goes down a drain. Wastewater is transported and treated before it is discharged into a body of water. The Town currently collects sewer fees through water billing from the south side of Town. These include a fixed rate, which is paid monthly and funds Broward County's wastewater treatment plant, and a volumetric rate, which is determined based upon use. The Sanitary Sewer Reserve Fund is typically used toward large capital expenses or emergencies.

The budget for fiscal year (FY) 2024-2025 shows that 62.85% of the sewer budget is fixed. These numbers are passed on to the Town from Pompano Beach, Fort Lauderdale, and Broward County. Fixed costs include maintenance of lift stations, transportation of wastewater through pipes, and treatment of wastewater. Costs determined by the Town include salaries and capital projects, such as the ongoing sanitary sewer lining project.

The fixed rate has increased substantially since FY 2018. It was \$16,000 at that time and is currently \$35,100. This is the price paid by the Town each month, regardless of usage, which represents an increase of over 90% since FY 2018. Volumetric rates have increased by 95% per 1000 gallons, which is an increase of approximately \$139,000 per year, or 45.5%.

The Town's budget and expenditures are not synchronized with respect to wastewater. Expenditures have currently exceeded revenues. There is also a contingency amount set aside annually in case of emergency.

Deputy Town Manager/Public Works Director Rubach advised that the fixed rate continues to grow due to increasing "pass-through" expenses as well as current regulations for wastewater, which requires significant investment from Broward County and Pompano Beach. Broward County is expected to make extensive upgrades to its treatment plant in the future, which will raise the fixed rate even more. The Town used its reserve funds in the past fiscal year to supplement revenue; should this continue, they will run out of reserves within five to seven years.

The proposed rate going forward is a 25% increase for single-family and commercial buildings, which will cost roughly \$3 more per month. For multi-family buildings, this increases to \$3.65 per month. Both are in addition to the consumption rates, which will increase by \$2.04 per month. Residents who are using the most water can expect an increase of approximately \$23 per month, while typical users will see an increase of roughly \$13.

Florida Statutes outline the process for increasing rates, which includes:

- Notifying customers through their water bill and postcard mailings
- An Ordinance will be placed on the Town Commission Agenda

The Town will work with Fort Lauderdale to implement the new rates

Mayor Malkoon recalled that Fort Lauderdale increased its rates in September 2024, and asked why the Town was only now implementing an increase. Deputy Town Manager/Public Works Director Rubach replied that he was not familiar with Fort Lauderdale's implementation or billing processes.

Commissioner DeNapoli asked how often rate changes are presented to the Town. Deputy Town Manager/Public Works Director Rubach explained that the Town receives an annual number, which up until last year was sufficient to pay its bills as well as allow a small amount to be placed in reserve. The Town's usage decreased by roughly \$100,000 in the previous year, which also affected how much money was collected.

Commissioner DeNapoli asked what can cause rates to increase or decrease. Deputy Town Manager/Public Works Director Rubach advised that the Town uses a formula supplied by Broward County which reflects the cost of the Town's capacity and treatment at their plants. They also receive a formula from Pompano Beach to determine the cost of maintaining lift stations and transporting wastewater by force main.

Commissioner DeNapoli also requested more information on increases in relation to consumption rates. Deputy Town Manager/Public Works Director Rubach stated that these increases are intended to allow the Town to build up more reserves. Staff is very conservative in determining these numbers in order to lessen the impact of increases. The Town has no pricing power over Fort Lauderdale or Pompano Beach.

Commissioner DeNapoli asked why an instrument such as a continuing resolution could not be used to keep up with changes. Deputy Town Manager/Public Works Director Rubach recalled that before FY 2019, a series of increases were made over five years. This changed after 2019 due to several circumstances, including the COVID-19 pandemic. He agreed that it would make sense for the Town to return to building in increases over a period of time.

Deputy Town Manager/Public Works Director Rubach suggested that Staff could budget in yearly increases on a specific calendar date. Commissioner DeNapoli stated that he would like this to be a pass-through number rather than an artificial estimate. Deputy

Town Manager/Public Works Director Rubach explained that the current process by which the amount is presented to the Commission for a vote is the only way to make this change. This is only necessary when the Town needs additional revenue.

Commissioner DeNapoli asked if money in the Sanitary Sewer Fund is invested in a high-yield account. Deputy Town Manager/Public Works Director Rubach confirmed this.

Commissioner Graziano expressed concern that the Town has no role in the establishment of fees, and asked if the Town could find out when increases are being calculated in advance so they can prepare for the change. Deputy Town Manager/Public Works Director Rubach replied that per the Town's agreement with the providing municipality, they are informed of this increase in December of each year. He was not familiar with when Fort Lauderdale's process determines the amount of the change. Pompano Beach's automatic increases begin on October 1 of each year.

Deputy Town Manager/Public Works Director Rubach continued that this may continue to be an annual issue if the Town does not build its rates out going forward. This would mean Staff must ask the Commission each year for an additional percentage increase to cover the Town's costs. He added that the Town seeks to keep its reserve funds equal to one year's operating expenses, typically \$1.4 or \$1.5 million.

Deputy Town Manager/Public Works Director Rubach continued that the Town has upcoming projects as well, including additional lining and inspection of existing lining on mains. This will help minimize the infiltration of water into the system, which in turn will keep costs lower.

Commissioner DeNapoli asked if the Town can expect additional increases going forward. Deputy Town Manager/Public Works Director Rubach confirmed this, concluding that he would bring a Resolution regarding the rate increase back to the Commission at a subsequent meeting.

b. Colorectal Cancer Awareness Month Proclamation

Mayor Malkoon read a Proclamation recognizing March 2025 as Colorectal Cancer Awareness Month.

6. PUBLIC COMMENTS

At this time Mayor Malkoon opened public comment.

Marc Pearson, resident, recalled that in 2024, he had disagreed with the permitted design of a house constructed in his neighborhood. The Town had informed him that there were no issues with the design. Mr. Pearson requested additional information on the designs and attempted to file appeals, but could not do so because appeals must be filed within 30 days. He felt this deadline applied to parties actively involved with construction or permitting rather than to general residents.

Mr. Pearson continued that he had then attempted to file “generic” appeals based on communications he had received from the Town. He was informed that these appeals could not be filed in the absence of a permit. He requested that the Commission place his dispute with Town Staff on an upcoming Agenda.

David Gadsby, resident, asked the Commission to consider approving a private event at the Beachside Village Resort (BVR) which may require additional parking. He requested that attendees be allowed to park along the inside lane of El Mar Drive on Wednesday, March 19, 2025 from approximately 5 p.m. to 7 p.m.

Ron Piersante, resident, wished Mayor Malkoon a happy birthday.

With no other individuals wishing to speak at this time, Mayor Malkoon closed public comment.

7. PUBLIC SAFETY DISCUSSION

None.

8. TOWN MANAGER REPORT

a. Town Manager Report

Town Manager Linda Connors advised that spring break season is underway. The Town has opened its emergency lane to ensure clear passage on the beach for public safety officials, and the Broward Sheriff’s Office (BSO) will have dedicated beach patrols on weekends. A second Deputy has been added to the Downtown area from 6 p.m. through midnight on Fridays and Saturdays. BSO’s regional units will also maintain a sporadic presence throughout the season.

At the most recent Special Magistrate meeting, Pier representatives provided an update on the status of that structure. Staff is concerned with the safety of the Pier. The Special Magistrate required the following:

- Immediate appointment of personnel at the Pier to monitor patrons who may potentially swim out to it; this individual must be available from sunrise to sunset
- A permanent barrier will be placed on or around the Pier to discourage climbing
- A meeting will be held within one week to discuss a permanent solution
- Additional No Trespassing signs have been installed at the Pier

The Town will continue to monitor progress and keep the Commission informed.

A visioning session is scheduled for Saturday, March 29, 2025, beginning at 9 a.m. Residents are asked to provide their thoughts on how they see the Town and how it can improve.

Residents are reminded to call 911 in the event of a life-threatening emergency. For non-life-threatening issues, they are asked to call BSO's non-emergency number, which is (954) 764-4357. For non-emergent issues, residents may use the My Civic Services mobile app to contact Town Staff. They may also use BSO's Safer Watch app, which is administered through BSO. Town Manager Connors explained that the Town's social media sites are not monitored with the intent of addressing issues, and information distributed there may not come from the Town.

Taste of the Beach is scheduled for March 12, 2025. All residents are encouraged to attend the event, which is almost sold out. Tickets are \$35 each. The event will offer samples from local and neighboring food and beverage establishments.

Movies in the Park will run on the second Friday of each month from April through June 2025. Each event will include activities aligned with the movie's theme.

Town Manager Connors reported that longtime Town employee Dwayne Sumlin is moving to North Florida. She thanked him for his dedication to the Town.

Town Manager Connors reminded all present that in addition to public parking spaces throughout the Town, private parking lots are also available. These lots operate differently from Town lots. She encouraged drivers to follow the rules of any parking lot they may choose.

Town Manager Connors addressed the parking request for the upcoming private event at the BVR. Roughly nine metered spaces are available on Washingtonia Avenue, and a median runs from that roadway beyond the Resort. The normal parking rate for the median is \$4/hour or \$21/day. The metered spaces can be blocked during the day so they are available for the event.

Commissioner Graziano suggested that the Commission consider passing an administrative Resolution to allow both metered and median parking without fees at special events. Mr. Gadsby stated that he did not wish to set a precedent for use of the spaces, and was willing to consider paying a fee for their use. He explained that his request for use of the inside lane of El Mar Drive was intended to be in case guests fill all the metered spaces.

Deputy Town Manager/Public Works Director Rubach recommended that the median be used for the event. Town Manager Connors noted that the space would be paid for through two hours, and the number of vehicles that can fit into the south side of the median would be calculated.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

None.

11. CONSENT AGENDA

None.

12. OLD BUSINESS

None.

13. NEW BUSINESS

a. Application for Relief of Code Compliance Lien at 4601 El Mar Drive

Assistant Development Services Director Terry-Ann Boyd explained that a lien mitigation request was submitted by the property owner of the hotel located at 4601 El Mar Drive. The Applicant has requested relief from 50% or more of the lien, which requires the request to come before the Commission.

The violation for Case 16030013 is an expired permit. Initial notice of violation was issued on March 15, 2016. The case ended on June 15, 2017 when the permit was renewed and closed. Case 1710013 also involves this address and refers to a building safety inspection violation initially cited on October 31, 2017. This case was resolved on November 26, 2019.

Assistant Development Services Director Boyd advised that the Commissioners' backup materials include additional information on fines, the Applicant's actions to address the violation, the amount expended to correct each case, and violations occurring on any other properties owned by the Applicant. She noted that the Applicant is represented by the property manager for the hotel.

Sevim Aldinc, hotel manager for the Applicant, requested that the fines be reduced to more manageable amounts. She noted that the Applicant is willing to make a payment of 10% of the amount, and requested the Town's help in the continuation of the business.

Commissioner DeNapoli requested clarification of when Ms. Aldinc became the manager of the subject site. Ms. Aldinc replied that this happened in July 2023. She was not aware of the liens when she began the job, but was made aware of them after a couple of months.

Vice Mayor Strauss requested clarification of the violation(s), including whether or not they involved safety concerns. Assistant Development Services Director Boyd advised that Case 1710013 involved a violation for a building safety inspection. This case began in 2017 and ended in 2019. The lien was recorded on June 12, 2018. It was clarified that the two cases before the Commission tonight involved the same property owner, although they are separate cases.

Vice Mayor Strauss expressed concern with absentee owners, which has been an issue for both residential and commercial properties in the Town. He pointed out that the neighbors of these properties are affected when the subject properties fall into disrepair. He also emphasized the safety aspect of this issue, as violations occur when an owner secures a permit but fails to close it out. This can lead to problems on the property that may last for years.

Vice Mayor Strauss concluded that his concern was that mitigation of fines or liens in these cases could set an unwanted precedent, and urged the other Commissioners to keep this in mind when making a decision on the Application.

Ms. Aldinc advised that the property owner has been in the process of securing a green card and could not come to the U.S. due to this process. She added that the manager who preceded her had not paid proper attention to the site.

Commissioner DeNapoli pointed out that the Code violations were addressed in 2019, and asked if there was a reason the owner was only now seeking to address the lien. He recommended that in the future, the Town take a proactive stance in reaching out to property owners and clearing the liens or pursuing other options.

Commissioner DeNapoli asked if the building inspection had identified any safety concerns. Assistant Development Services Director Boyd replied that none were found. She added that Staff has discussed proactive ways to ensure that liens do not remain on the books for a significant length of time, such as sending courtesy notices to property owners reminding them of outstanding amounts. The Town also has a collection agency that can be used to address liens.

Commissioner DeNapoli expressed concern that there did not seem to be an incentive for an owner to pay a lien that has stood for several years. He suggested that amnesty could be offered to clear some of the smaller liens. Assistant Development Services Director Boyd reiterated that Staff has discussed these issues and plans to explore possible action in collecting some of the larger liens.

Town Attorney Susan Trevarthen advised that she can work with Staff to help develop a program to clear some of the liens. She cautioned, however, that not all liens can be collected, as there are rules that affect homesteaded property, as well as other issues which may affect collection. Each lien would need to be analyzed individually.

Commissioner Graziano asked how much this case has cost the Town thus far. Development Services Director Jhanelle Campbell explained that when a case goes to the Special Magistrate, the Town pays the Magistrate's costs as well as Staff costs. There is an additional cost to record the lien in the public record.

Commissioner Graziano suggested that the Town may wish to consider increasing fees in the future, or taking other steps to incentivize payment. Development Services Director

Campbell replied that at present, the Town assesses a cost of \$50 for a Special Magistrate hearing. She confirmed that the Town's costs are significantly lower than those of other local municipalities, and concluded that this will be addressed when a review of the Code program is brought before the Commission for consideration.

Commissioner Pouloupoulos stated that while he understood the purpose of mitigation hearings, he was concerned with the amounts per day that may accrue when no safety issues are involved. He pointed out that the Town is unlikely to have incurred expenses of more than \$100/day in relation to the case before them. He concluded that he found amounts such as the one before the Commission tonight to be punitive for a violation that is relatively benign.

Assistant Development Services Director Boyd advised that \$100/day is not an unusual amount for a fine, but is a standard rate. Other municipalities charge a larger rate for daily fines depending upon the violations. If a violation is repeated, the daily fine may go as high as \$500/day. She explained that the \$100/day fine is intended to deter others from committing the same violation as well as to speed up the compliance process.

Commissioner Pouloupoulos pointed out that although the Applicant's permit was not closed, there was no safety issue involved, which was why he found the total amount of the fines to be punitive. He also emphasized the need to address each case on an individual basis, noting that he did not feel the case before the Commission required a fine of that amount.

Assistant Development Services Director Boyd clarified that fines increase incrementally: for example, a fine may be \$50/day for the first 30 days, and may increase to \$100 for up to 60 days and to \$150 thereafter. Staff may make recommendations to the Special Magistrate, but ultimately the Special Magistrate will determine the amount of fines according to the circumstances of the case.

Commissioner Pouloupoulos asked if the Commission has any authority to provide guidance to the Special Magistrate with respect to the amounts of fines they would like to see imposed for certain types of violations. Town Attorney Trevarthen recommended that policy guidance be provided to Staff, which can present it as part of their recommendation to the Special Magistrate.

Town Attorney Trevarthen continued that in the past, there was some concern that the daily fines would not be enough to encourage compliance. Specific violations were identified in Code for which the fine must be at least a certain amount. Other violations,

however, are subject to the tiered system of fines. She noted that the fines are the Town's only real tool to encourage compliance under state law.

Commissioner Pouloupoulos reiterated that the facts of each case would need to be considered on an individual basis, and that the case before the Commission tonight appeared to be relatively benign. He concluded that he was in favor of mitigation.

Mayor Malkoon requested review of the fine as well as the proposed mitigation. Assistant Development Services Director Boyd stated that Case 16030013, which addressed the violation of an expired permit and was out of compliance for 68 days, accrued a fine of \$100/day, resulting in a fine of \$7050. The Applicant has offered to pay a 10% settlement of \$705, which is a reduction of \$6345.

For Case 17100013, which involved a building safety inspection violation, the property was out of compliance for 605 days at a fine of \$100/day. The total amount due is \$61,750. The Applicant has offered a 10% settlement of \$6175, which is a reduction of \$55,575. The total settlement offer for both requests is \$6880.

Commissioner DeNapoli asked why the fines in these cases were \$100/day. Assistant Development Services Director Boyd replied that she did not have information on why that amount was levied in these cases, but noted that it is typical for fines to start at that amount.

Commissioner DeNapoli pointed out that the building inspection case, which had lasted for over two years, could have led to the identification of a safety issue.

Commissioner Graziano emphasized the need to consider the length of time involved in the building inspection case.

Commissioner Pouloupoulos observed that the 10% mitigation amount offered by the Applicant was a significant amount. He added that he did not want residents of the Town to think of Code fines as the Town's main source of revenue, as this was not the case; Code Compliance is intended to enforce the Town's laws.

Town Attorney Trevarthen asked if the Staff costs related to the Application have already been collected or are included in the proposed payment amount. Assistant Development Services Director Boyd clarified that these costs must be paid before an item is eligible to seek mitigation before the Commission. Staff's recommendation is that the \$6880 be paid by April 11, 2025.

Commissioner Pouloupoulos made a motion to reduce the fine to the requested amount of 10% of the overall initial violation amount, and payment by April 11. [The motion died for lack of second.]

Town Attorney Trevarthen clarified that the Commission may also choose to offer another amount or no mitigation.

Vice Mayor Strauss made a motion for mitigation payment of 15%, payable by April 11, 2025.

Town Attorney Trevarthen clarified that this amount would be \$10,320.

Commissioner Graziano seconded the motion. In a roll call vote, the motion carried 5-0.

Assistant Development Services Director Boyd advised that if the fines are not paid by the due date, the liens would revert to the original amount.

b. Application for Relief of Code Compliance Lien at 4600-4608 N Ocean Drive f/k/a 4600 N Ocean Drive and 4608 N Ocean Drive Lauderdale-By-The-Sea, Florida, 33062

Assistant Development Services Director Boyd emphasized that while the Applicant is the same, this Item has a different timeline than the case discussed above. It includes Case 15070023 and Case 15070024, both of which address violation of time limits for completing construction and repair. During the course of these cases, the two parcels were unified, and for purposes of tonight's Application they will be considered as a single address.

This case began in July 2015 and the lien was recorded in January 2016. All permits for the project were closed in February 2017 and construction was complete. Extensions were provided within these timelines, as the property came to the Commission for approval of the extensions in June 2015 and September 2015. Both extensions were approved by the Commission.

Case 15070023 was in violation for 518 days at a rate of \$50/day, totaling a fine of \$25,900. The proposed settlement amount is \$2590, which is a reduction of \$23,310. Case 15070024 was also out of compliance for 518 days at a rate of \$50/day. The total

amount due is \$26,350. The Applicant offers a settlement of \$2635, resulting in a total reduction of \$23,715.

Although both cases began at the same time and involve the same time frame, the difference in the total amounts due is because the Applicant made some payments during the course of the cases.

Commissioner DeNapoli asked why these violations carried a fine of only \$50/day. Assistant Development Services Director Boyd replied that the violations fell within a tiered system at which fines begin at \$50/day for the first 30 days, to increase over time. Extensions also applied to the original \$50/day time frame, which stopped the fines from accruing during that time.

Commissioner DeNapoli asked if the 518-day timeline took the extensions into account. Assistant Development Services Director Boyd stated that this timeline runs from the beginning to the end of the case. Fines did not accrue for all of the 518 days due to the extensions.

Commissioner DeNapoli requested clarification of other case numbers included in the Commissioners' backup materials. Assistant Development Services Director Boyd explained that these case numbers are related to any violations that occurred on other properties that have the same owner, such as the property previously addressed by the Commission at tonight's meeting.

Ms. Aldinc, again representing the Applicant, stated that a general contractor was responsible for the violations and could not be reached by the Applicant's representative.

Town Attorney Trevarthen noted that mitigation to 15% would total \$7837.50.

Vice Mayor Strauss made a motion, seconded by Commissioner Graziano, to mitigate to 15%, or \$7837.50, payable by April 11, 2025. In a roll call vote, the motion carried 5-0.

The Commission took a brief recess at this time.

c. Commissioner Graziano Request to Discuss Commission Salary

Commissioner Graziano recalled that he was elected to the Town Commission in March 2024, and within a short time received a consumer price index (CPI) increase. He

explained that he had wished to refuse the increase, but was unable to do so under the requirements of the Resolution which granted it. That Resolution provided “a set fee” for the Mayor’s and Commissioners’ increase.

Commissioner Graziano clarified that he had only sought an exemption from the increase for himself. This would not have affected the other Commissioners. When this could not be done, he had suggested moving the issue to the Town’s Budget Committee; however, he was advised that this would require a new Resolution to modify or replace the existing Resolution.

Commissioner Graziano concluded that he did not know how to prevent receipt of the increase for himself in the next fiscal year, as it is mandated by Resolution. He cannot return the amount to the Town, nor can he request that it be considered a stipend due to legal constraints associated with that term.

Mayor Malkoon requested additional information on why the increase is mandatory. Town Attorney Trevarthen explained that the Commissioners are legally seen as employees of the Town, which means there are other bodies of law involved which see the salary increase as compensation. There is no action the Town can take to change this relationship.

Once a Commissioner has received the increase, it is listed as income and is considered taxable. The Town is required to pay its employees what it owes them. If an individual wishes to make a donation to the Town for public purpose, they may do so; however, the process of treating the increase as pay has an effect on the amount.

Town Attorney Trevarthen recommended that the Commissioners continue to be treated on equal footing, as their salaries are established by the job rather than by the individual.

Mayor Malkoon asked if pay requirements could be rewritten to provide the option of not receiving a salary. Town Attorney Trevarthen advised that the Resolution makes the increase automatic. If the Commission chooses to go in a different direction, they would need to amend the Resolution.

Commissioner Graziano stated that there would be no need for a new Resolution if he could return the money through an administrative process. Town Attorney Trevarthen clarified that while this could be done, it would need to be done after the Commissioner has received the funds.

Commissioner DeNapoli described a similar process by which a previous Florida Governor had returned his salary. The State General Appropriations Act also clarifies that salaries can be reduced voluntarily. Town Attorney Trevarthen confirmed that there are a number of potential solutions, although the current Resolution does not provide for any of them. With Commission consensus, she can draft future legislation to allow for returning of a salary.

The Commissioners agreed by consensus to have Staff draft an option for receiving or declining a salary or salary increase.

14. COMMISSIONER PRESENTATIONS

None.

15. COMMISSIONER COMMENTS

Commissioner DeNapoli congratulated Aruba Beach Café for being named the best waterfront restaurant in South Florida by a *Sun-Sentinel* readers' poll. He added that he had provided Town Staff with information on a state money market fund that is used by several municipalities, and would like to hear whether or not the Town could make more from that fund than under their current configuration.

Commissioner DeNapoli invited all present to attend Taste of the Beach.

Commissioner Graziano complimented BSO contractors for the work done installing cameras throughout the Town. With respect to the Pier, he noted that some potential suggestions were sent to him by members of the Chamber of Commerce and Merchants' Association, and he could pass them on to Staff to determine their viability.

Commissioner Graziano requested clarification of how to distinguish between public and private parking lots. Town Manager Connors advised that private lots will post their own signage, which differs from the Town's signage.

Commissioner Pouloupoulos noted that there has been a recent influx of fishermen on the beach near the Town's commercial area, and encouraged them to retrieve their hooks from the beach to avoid injury, also encouraging pedestrians on the beach to avoid poles.

Vice Mayor Strauss wished Mayor Malkoon a happy birthday. He attended the recent “Coffee with a Cop” event, and encouraged all residents to participate in Taste of the Beach.

All present congratulated Commissioner Graziano on his upcoming 58th wedding anniversary.

Mayor Malkoon thanked all present for the birthday wishes, and also thanked Staff for their work ensuring safety at the Pier. He encouraged use of BSO’s non-emergency number as needed.

16. ORDINANCES 1ST READING

None.

17. ORDINANCES 2ND READING

None.

18. RESOLUTIONS – PUBLIC COMMENTS

- a. Resolution 2025-19: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA REVISING THE TOWN COMMISSION MEETING AND AGENDA PROCEDURES; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.**

At this time Mayor Malkoon opened public comment, which he closed upon receiving no input.

Town Attorney Trevarthen explained that this Resolution implements direction received at the February 25, 2025 Commission meeting, which would move the publication of Commission Agendas from the Friday before the meeting to Thursday. An additional change was also made to reflect the provision of voluminous items by Wednesday if possible.

Commissioner DeNapoli made a motion, seconded by Vice Mayor Strauss, to approve. In a roll call vote, the motion carried 5-0.

19. QUASI JUDICIAL PUBLIC HEARINGS

None.

20. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 8:41 p.m.

Mayor Edmund Malkoon

ATTEST:

Katrina Adler, Town Clerk

Date



Agenda Item No: 13.a.

Town Commission Agenda Item Report

Meeting Date: April 8, 2025

Submitted By: John Graziano, Commissioner

Submitting Department: Administration

Item Type: Action Item

Agenda Section: NEW BUSINESS

Subject Title: Commissioner Graziano's Request to Adopt a Resolution To Include Lauderdale-By-The-Sea on the List of Eligible Municipalities for Undergrounding Utilities

Explanation: Commissioner Graziano is requesting the Town adopt a resolution supporting our inclusion on the SSUP to have neighborhood electric lines placed underground. The SSUP is administered by FPL and selected by the Florida Public Service Commission.

Recommendation: Provide staff direction.

Exhibits:

1. Commissioner Graziano Agenda Item Request
2. FPL Flyer



Commissioner Agenda Item Request

Commissioners may submit a request for the preparation of policy, legislation or action by the Town Attorney or Town Manager. The item will be placed under Presentations, New Business, or Old Business if it has been previously discussed. This form should state the purpose of the item/action, the major points to be covered, the reasons for necessary action, whether visual aids such as maps, plans, photos or PowerPoint-style presentations may be appropriate, and the specific action or motion desired by the Commissioner. If the item can be resolved by the Town Manager without action of the Commission, the Manager shall be given the opportunity to do so.

Requesting Commissioner: John A. Graziano

Purpose of Item/Action: Inclusion in the FLPSC/FPL SSUP

Major Points to be Covered:

- Inclusion on eligibility list of Public Service Commission's SSUP program administered by FPL
- This is a public program primarily focused on enhanced infrastructure for extreme weather protection. Specifically requesting installation of underground power utilities in our most vulnerable neighborhoods.
- We are on a vulnerable barrier island and the surrounding communities of Lighthouse Point, Pompano, and Fort Lauderdale are all on the eligible list and have the same uncertain weather and similar vulnerable aged overhead vulnerable neighborhoods.

Reason for Necessary Action:

- Our vulnerable neighborhoods need the increased protection especially those with very old wooden poles and equality old power distribution lines to our neighborhoods.
- These include the annexed neighborhoods and those in our established south end of LBTS.
- This program has no upfront costs, and we should be eligible as we are on a barrier island surrounded by the intracoastal waterway, the Atlantic Ocean and all eligible municipalities. We also have an aged infrastructure that needs to be updated for maximum protection against weather.

Specific Action or Motion Desired by the Commission: Resolution to the FLPSC and FPL for inclusion on the list of eligible municipalities of the SSUP Program

Will visual aids such as maps, plans, photos, or PowerPoint-style presentations be supplied? No

Signature: _____ **John A. Graziano** **Date:** _____ **3-22-25**

How FPL undergrounds power lines

Comparing and contrasting FPL's two main programs for replacing overhead power lines with underground lines to improve reliability in good weather and bad

	Storm Secure Underground Program (SSUP)	Municipality/community-initiated underground conversions
What type of areas are undergrounded?	FPL selects neighborhoods to be part of SSUP based on criteria approved by the Florida Public Service Commission (FPSC), including history of outages during named storms, vegetation-related outages and other reliability data	Municipalities or communities approach FPL for a cost estimate to put power lines underground at their expense
How is a neighborhood selected?	Our annual work plan is approved by the FPSC; FPL doesn't have discretion to move a neighborhood up or down the list	Customers can engage FPL to begin conversion process at any time without needing to meet Florida Public Service Commission selection criteria
Which lines are undergrounded?	Focuses only on neighborhood power lines or "laterals," which are closest to customer; does not include undergrounding of main or "feeder" lines typically seen along major roads 	Typically includes main or "feeder" lines as well as neighborhood power lines or "laterals" 
What about other utility lines?	FPL does not underground other utilities' lines (such as phone, cable) but notifies them of its plans should they wish to coordinate	Projects usually include coordination with other utilities (such as phone, cable)
What happens to poles?	While FPL removes its overhead lines and equipment when undergrounding is complete, poles remain if other utilities (such as phone, cable) do not underground their lines	Poles removed when all lines are placed underground
Who pays for it?	There are no out-of-pocket upfront costs required for SSUP. Rather, the costs are recovered from all customers through a Storm Protection Plan monthly charge approved by the FPSC, which includes SSUP and several other storm-protection programs.	Costs paid by municipalities or communities that convert to underground; discounts available per FPL tariff; most costs recovered by municipalities or communities through special assessment on their taxpayers/community members
Where can I learn more?	FPL.com/ssup	FPL.com/underground



Town Commission Agenda Item Report

Meeting Date: April 8, 2025

Submitted By: Ken Rubach, Deputy Town Manager/Public Works Director

Submitting Department: Administration

Item Type: Action Item

Agenda Section: NEW BUSINESS

Subject Title: North Silver Shores Traffic Calming

Explanation: The Town's staff received several complaints regarding traffic volume and speed from residents of the North Silver Shores neighborhood. Staff hired a traffic consultant to collect and analyze data and present options to improve the traffic issues. The consultant presented their findings regarding traffic issues to neighborhood residents at the February 10th neighborhood meeting. He identified cut-through traffic as the major problem in the neighborhood and found that this exacerbated the residents' other issues of too much and speeding traffic. He suggested a temporary diverter be placed to eliminate the ability to use North Silver Shores streets to avoid the Commercial Boulevard/Ocean Drive intersection. Because this solution would have a significant impact to the residents, staff sent a letter with a survey to all neighborhood properties requesting feedback on the placement of the temporary traffic diverter at Washingtonia and Bougainvillea. 212 responses were received, with 189 being neighborhood residents. Of those 189 residents, 24% were in favor and 76% were opposed.

Survey Result - 189 Residents Responding	
In Favor of a Diverter	24%
Opposed to a Diverter	76%

Given that the residents are overwhelmingly opposed to the temporary diverter, the staff would recommend against moving forward with the trial. Staff received other suggestions from the neighborhood, including additional stop signs, traffic lights, and traffic circles. We have reviewed these requests and, unfortunately, they do not meet the standards outlined in the Manual on Uniform Traffic Control Devices (a document which municipalities are required to follow); therefore, we cannot move forward with these additional measures. In addition, while the data did show evidence of some speeding occurring, it did not reach the level necessary to implement traffic-calming measures such as additional speed humps.

While the study does not recommend additional speed humps in the neighborhood, we have ordered a pair of permanent radar speed signs for Seagrape Drive to alert drivers to their speed. We expect to have these installed later this month. We will also be enhancing the crosswalk at Washingtonia Avenue and Seagrape Drive. Flashing beacons and additional signage have been ordered to enhance pedestrians' safety when crossing the roadway. Both of these items were suggested at the neighborhood meeting.

Recommendation: Provide staff direction on implementing any additional traffic-calming measures for the area.

Exhibits:

1. W Tradewinds_Bel Air Tech Memo - final -7-18-2024
2. Diverter Survey Results letter

TECHNICAL MEMORANDUM

DATE: July 18, 2024

TO: Ken Rubach
Deputy Town Manager
Town of Lauderdale by-the-Sea

FROM: Jeffrey Weatherford, P.E., PTOE
Baxter & Woodman

SUBJECT: W. Tradewinds/N. Silver Shores Traffic Calming Study

1.0 Introduction

The purpose of this technical memorandum is to investigate the need for potential traffic calming alternatives within the N. Silver Shores neighborhood north of Commercial Boulevard/FL-870 and west of N. Ocean Drive/A1A. The residential neighborhood of N. Silver Shores consists of thirteen (13) streets: West Tradewinds Avenue north of Harbor Drive, East Tradewinds Avenue north of Harbor Drive, Sea Grape Drive north of Harbor Drive, Harbor Drive, Neptune Avenue, Bombay Avenue, Algiers Avenue, Oceanic Avenue, Corsair Avenue, Lombardy Avenue, Avalon Avenue, N. Tradewinds Avenue, and Washingtonia Avenue. A project location map is attached at **Figure 1**.



Figure 1: N. Silver Shores

The land uses on the south side of Harbor Drive are commercial uses that front Commercial Boulevard. The north side of Harbor drive is single family residential that front Neptune Avenue. However, some of these residential properties do take at least some access from Harbor Drive. The remainder of the streets in Silver Shores are single family residential. All streets are evaluated based on the traffic count and speed data provided and compared using the Institute of Transportation Engineers (ITE) trip generation data.

2.0 Traffic Data Collection & Analysis

2.1. Data Collection

Baxter & Woodman has contracted with All Traffic Data Services, Inc. to collect traffic count and speed data for 24-hour two-way traffic volumes at eleven (11) locations within the neighborhood for seven (7) consecutive days during a one-week period. Data was collected at two (2) locations along Washington Avenue and one (1) location on Lombardy Avenue, Corsair Avenue, Oceanic Avenue, Algiers Avenue, Bombay Avenue, Neptune Avenue, W. Tradewinds Avenue, E. Tradewinds Avenue, and Sea Grape Drive. These traffic count locations are shown in **Figure 2**. The locations on W. Tradewinds Avenue, E. Tradewinds Avenue and Sea Grape Drive were placed north of Harbor Drive to avoid the business traffic associated with the Commercial Boulevard that is not entering the residential area. The detailed data is available as an Appendix.

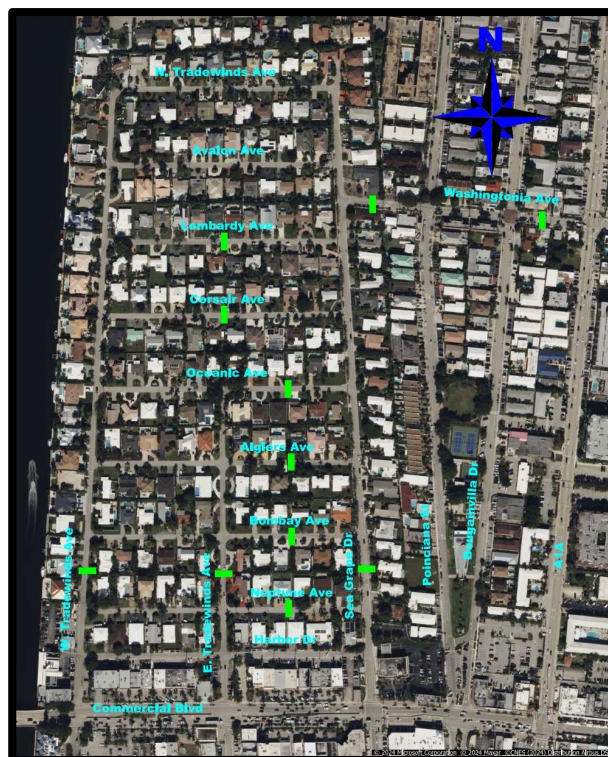


Figure 2: Traffic Count Locations

2.2. Data Analysis

2.2.1. ITE Trip Generation

A trip generation analysis was performed to assess the number of trips predicted to occur in the study area from the residential land use. A single trip may be defined as traveling from one destination to another destination without stopping in between (i.e. an individual traveling from home to work. If the same individual is traveling from work to home, it is considered as another trip). The Institute of Transportation Engineer's (ITE) has two methodologies that are typically used for trip generation. One methodology uses an average number of trips based on the number of residence units. The second uses a fitted curve where the size of the development is compared to other similar developments. Since both the average rate and a fitted curve equation are available; both sets of data are given.

Within the thirteen (13) streets of the N. Silver Shores neighborhood, there are a total of 270 residential lots. The total residential lot count on each street is: twenty-four (24) lots on Algiers Avenue, twenty-four (24) lots on Avalon Avenue, twenty-four (24) lots on Bombay Avenue, twenty-four (24) lots on Corsair Avenue, zero (0) lots fronting E. Tradewinds Avenue, twenty-four (24) lots on Lombardy Avenue, twenty-five (25) lots on Neptune Avenue, twenty-three (23) lots on N. Tradewinds Avenue, twenty-four (24) lots on Oceanic Avenue, twenty-two (22) lots on Poinciana Street, twenty (20) lots on Sea Grape Drive, eleven (11) lots on Washingtonia Avenue, and twenty-five (25) lots on W. Tradewinds Avenue. The ITE trip generation totals for the residential land uses are as followed:

- Residential with Washingtonia Avenue included – between 2545 and 3064 trips generated per day,
- Residential without Washingtonia Avenue – between 2441 and 2932 trips generated per day, and
- Residential on Washingtonia Avenue – between 104 and 132 trips generated per day.

Data tables for the listed trip generations are shown below on **Table 1**.

Street Name	Number of Residential Lots	Land Use (Code)	Fitted Curve Equation	Calculated Trip Ends					
				Average Rate			Fitted Curve		
				Total	Entry	Exit	Total	Entry	Exit
Algiers Ave.	24	Single-Family Detached Housing (210)	$\ln(T) = 0.92\ln(X) + 2.68$	226	113	113	271	136	135
Avalon Ave.	24	Single-Family Detached Housing (210)	$\ln(T) = 0.92\ln(X) + 2.68$	226	113	113	271	136	135
Bombay Ave.	24	Single-Family Detached Housing (210)	$\ln(T) = 0.92\ln(X) + 2.68$	226	113	113	271	136	135
Corsair Ave.	24	Single-Family Detached Housing (210)	$\ln(T) = 0.92\ln(X) + 2.68$	226	113	113	271	136	135
E. Tradewinds Ave.	0	Single-Family Detached Housing (210)	$\ln(T) = 0.92\ln(X) + 2.68$	0	0	0	0	0	0
Lombardy Ave.	24	Single-Family Detached Housing (210)	$\ln(T) = 0.92\ln(X) + 2.68$	226	113	113	271	136	135
Neptune Ave.	25	Single-Family Detached Housing (210)	$\ln(T) = 0.92\ln(X) + 2.68$	236	118	188	282	141	141
N. Tradewinds Ave	23	Single-Family Detached Housing (210)	$\ln(T) = 0.92\ln(X) + 2.68$	217	108	109	261	131	130
Oceanic Ave.	24	Single-Family Detached Housing (210)	$\ln(T) = 0.92\ln(X) + 2.68$	226	113	113	271	136	135
Poinciana St.	22	Single-Family Detached Housing (210)	$\ln(T) = 0.92\ln(X) + 2.68$	207	104	103	251	125	126
Sea Grape Dr.	20	Single-Family Detached Housing (210)	$\ln(T) = 0.92\ln(X) + 2.68$	189	94	95	230	115	115
Washingtonia Ave.	11	Single-Family Detached Housing (210)	$\ln(T) = 0.92\ln(X) + 2.68$	104	52	52	132	66	66
W. Tradewinds Ave.	25	Single-Family Detached Housing (210)	$\ln(T) = 0.92\ln(X) + 2.68$	236	118	118	282	141	141
Total House Lots	270		Total Trip Generation	2545	1272	1343	3064	1535	1529

Table 1: Residential Trip Generation

2.2.2. Traffic Count and Speed Data

Traffic count data was collected to determine the total vehicle count, average vehicle counts per day and the 85th percentile speed for each count location. This data was collected from the eleven (11) locations described in Section 2.1 from May 8th, 2024 through May 14th, 2024. The data table for these counts are in **Table 2**. The two highest vehicle count locations during the one-week period were found to be on Washingtonia Avenue West of Poinciana Street with an average of 2171 vehicles per day and Sea Grape Drive South of Bombay Avenue with an average of 1797 vehicles per day. Additionally, W. Tradewinds and E. Tradewinds Avenues generate an additional average of 567 inbound (northbound) and 528 outbound (southbound) vehicles each day. Summing all these entry/exit points yields an average of 5,063 entering and exiting trips per day.

The 85th percentile speed collected at all count locations was found to be between 20 and 25 miles per hour (MPH). This is a positive indicator that most of the vehicles counted are not driving over the speed limit of 25 MPH in the South Silver Shores neighborhood. However, this does not imply that there is no speeding at all. The overall vehicle speed counts for the neighborhood during the one-week period data collection is shown in **Table 3**. Based on the traffic speed data collected, 93.11% of vehicles traveled between 1 and 25 MPH. Only 6.89% of vehicles traveled above the speed limit, with 5.58% traveling between 25-30 MPH (98.69% of total traffic travelling under 30 MPH). The highest recorded vehicle speeds during the seven-day study period involved 0.01% of vehicles traveling above 75 MPH. These incidents occurred on East Tradewinds Avenue South of Bombay Avenue, Sea Grape Drive South of Bombay Avenue, and Washingtonia Avenue West of Poinciana Street. Although the percentage of speeding vehicles is low, any speeding poses a risk to the safety of pedestrians. If a pedestrian is struck by a person driving at a speed of 20 MPH, there is a 90% chance that pedestrian will survive the collision and 10% risk that the collision may result in a fatality. When the collision speed increases to 30 MPH, the chance of a fatality increases to 40% and at 40 MPH or more, the fatality risk jumps to 80% or higher. A vehicle speed comparison to risk of pedestrian fatality figure is shown in **Figure 3**.

Street Name	Total Vehicle Count	85th Percentile Vehicle Count	85th Percentile Speed	Average Vehicle Count per Day			
				EB AVG	WB AVG	NB AVG	SB AVG
Algiers Ave. West of Sea Grape Dr.	1359	1155	25-30 MPH	132	62		
Bombay Ave. West of Sea Grape Dr.	589	501	25-30 MPH	84	0		
Corsair Ave. West of Sea Grape Dr.	643	547	25-30 MPH	31	61		
E. Tradewinds Ave. South of Bombay Ave.	4180	3553	25-30 MPH			491	106
Lombardy Ave. West of Sea Grape Dr.	1288	1095	30-35 MPH	35	149		
Neptune Ave. West of Sea Grape Dr.	566	746	25-30 MPH	81	45		
Oceanic Ave. West of Sea Grape Dr.	1826	1552	25-30 MPH	183	78		
Sea Grape Dr. South of Bombay Ave.	12581	10694	20-25 MPH			978	819
Washingtonia Ave. West of Ocean Dr.	15095	14018	20-25 MPH	1098	1059		
Washingtonia Ave. West of Poinciana St.	15197	12917	20-25 MPH	1209	962		
W. Tradewinds Ave. South of Bombay Ave.	3490	2967	25-30 MPH			76	422
Overall Total Vehicle Count	49130	Total Average Vehicle Count / Day		2854	2414	1546	1347

Table 2: 85th Percentile Speed & Average Vehicle Count

Street Name	1-10 MPH	10-15 MPH	15-20 MPH	20-25 MPH	25-30 MPH	30-35 MPH	35-40 MPH	40-45 MPH	45-50 MPH	50-55 MPH	55-60 MPH	60-65 MPH	65-70 MPH	70-75 MPH	75-140 MPH	Total
Algiers Ave. West of Sea Grape Dr.	70	280	489	425	90	4	1	0	0	0	0	0	0	0	0	1359
Bombay Ave. West of Sea Grape Dr.	35	105	221	177	44	7	0	0	0	0	0	0	0	0	0	589
Corsair Ave. West of Sea Grape Dr.	35	131	182	174	99	18	1	0	3	0	0	0	0	0	0	643
E. Tradewinds Ave. South of Bombay Ave.	27	343	1278	1631	681	172	35	10	1	0	0	0	1	0	1	4180
Lombardy Ave. West of Sea Grape Dr.	50	151	324	430	269	52	6	2	3	0	1	0	0	0	0	1288
Neptune Ave. West of Sea Grape Dr.	53	104	199	172	29	5	2	1	0	1	0	0	0	0	0	566
Oceanic Ave. West of Sea Grape Dr.	72	195	468	795	271	25	0	0	0	0	0	0	0	0	0	1826
Sea Grape Dr. South of Bombay Ave.	343	3622	5965	2458	168	16	1	0	2	2	0	0	1	2	1	12581
Washingtonia Ave. West of Ocean Dr.	1978	6066	5974	972	70	16	5	2	3	1	2	0	1	0	5	15095
Washingtonia Ave. West of Poinciana St.	679	6138	7308	1033	19	7	1	1	2	2	2	0	0	1	4	15197
W. Tradewinds Ave. South of Bombay Ave.	110	355	897	1320	657	131	11	7	1	1	0	0	0	0	0	3490
Total Volume	1707	13976	21433	9123	2331	442	60	22	13	6	4	0	3	3	7	
Total Percentage (%)	3.47	28.45	43.63	18.57	4.74	0.90	0.12	0.04	0.03	0.01	0.01	0.00	0.01	0.01	0.01	

Table 3: Overall Vehicle Speed Counts

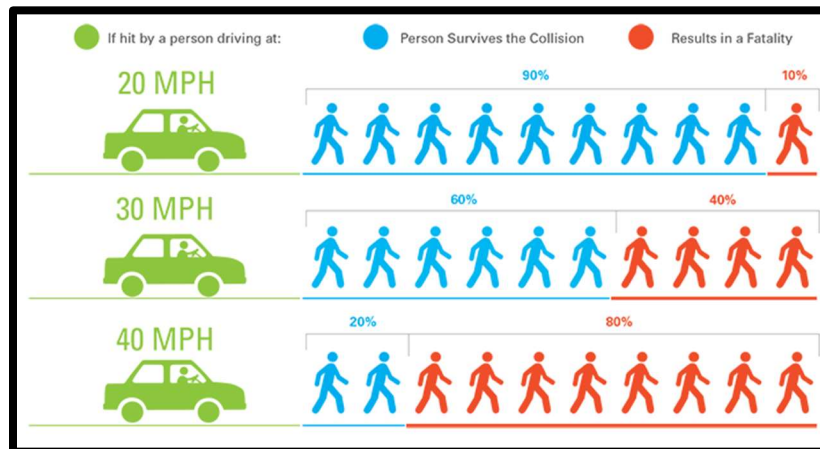


Figure 3: Vehicle Speed vs. Risk of Pedestrian Injury and Fatality

2.2.3. Silver Shores Subdivision Analysis

A survey of the neighborhood found speed limit signs posted at the entry to the neighborhood from Commercial Boulevard on W. Tradewinds Avenue, E. Tradewinds Avenue, and Sea Grape Drive. An additional speed limit sign was found on Washingtonia Avenue at the entry point immediately west of A1A. Additionally, speed humps are located on Sea Grape Drive and Washingtonia Avenue. There are traffic signals located at Sea Grape Drive and Commercial Boulevard and at N. Ocean Drive and Washingtonia Avenue.

Overall, speeding does not appear to be an issue in the neighborhood. However, one mitigation measure to be considered would be to place additional speed limit signs throughout the neighborhood. By posting speed limit signs on the entry points to every street, we may see additional compliance from drivers who thought the speed limit was 30 MPH.

Beyond speed limit signs, options within the neighborhood are limited. With no curbs and narrow roadways, devices such as chicanes, chokers, and medians involve major reconstruction of the roadway with widening occurring in area of the devices. Additionally, since the roadway is already narrow (effectively a continuous choker), it is unlikely that these devices would have a significant impact on driver behavior.

The ITE data indicates that the average trip generation for a single-family residential lot across America is between nine (9) and (10) trips per day. Baxter & Woodman recognizes that this data is a sampling from across the United States and each community is different. Based on the character of the neighborhood and observations from surrounding communities and data collected elsewhere in Lauderdale-By-The-Sea, it is expected that this neighborhood may generate fewer trips than the average neighborhood. For the purposes

of this study, the ITE data can be used as an upper limit to establish whether cut through traffic is occurring. The trip generation analysis indicated that the neighborhood would generate between 2,441 and 2,932 trips on an average day (excluding residences along Washingtonia Avenue). The traffic data shows that an average of 5,063 trips enter and exit the neighborhood on a daily basis. The actual number of trips counted is more than double the expected number of trips based on the average rate. This difference is a clear indicator that cut through traffic is occurring.

Field observations did indicate that traffic is using the neighborhood to bypass the congested traffic signal at N. Ocean Drive/A1A and Commercial Boulevard/FL-870. These observations indicate that the most cut through traffic appears to access N. Ocean Avenue/A1A through northbound Sea Grape Drive and eastbound Washingtonia Avenue. Similarly, observations found that vehicles bypass the intersection by traveling west on Washingtonia Avenue and accessing Commercial Boulevard via southbound Sea Grape Drive. These traffic volumes and directions are shown in **Figure 4**. The speed humps in place on Washingtonia Avenue and Sea Grape Drive can impact the speeds but will not stop the cut through traffic.

Bougainvilla Drive is generally a north-south street traveling between Commercial Boulevard and Pine Street. The land uses are a mix of multi-family residential and commercial uses including a church, Friedt Family Park and Town facilities including Fire Station 12. The presence of the fire station limits options on this roadway as any improvements made will have an adverse impact on emergency response.

Poinciana Street is also a north-south street traveling between Pine Street and Commercial Boulevard. The land use along this roadway is generally multi-family residential. One potential solution to the cut through traffic would be the installation of a diagonal diverter from the northwest corner to the southeast corner in the intersection of Poinciana Street and Washingtonia Avenue (See **Figure 5**).

The impact of this device would be that anyone from N. Ocean Drive/A1A trying to use the Silver Shores Neighborhood as a cut through route will be physically unable to do so. Additionally, drivers wishing to divert from Commercial Boulevard using Sea Grape to bypass the N. Ocean Drive/A1A and Commercial Boulevard intersection will be unable to do so. Cut through traffic will no longer be possible. The potential negative impacts are that the Silver Shores Neighborhood will only have access to Commercial Boulevard and an increase in traffic on Bougainvilla Drive is possible since any cut through traffic will be focused at this location.

It is possible to install this device as a temporary measure using water filled barriers. This would give the Town the opportunity to consider the impacts and community response to the device without having made a permanent change. Long-term, should the Town determine that this is an option they wish to see made permanent, a landscaped diverter could be installed. See **Figure 6**.

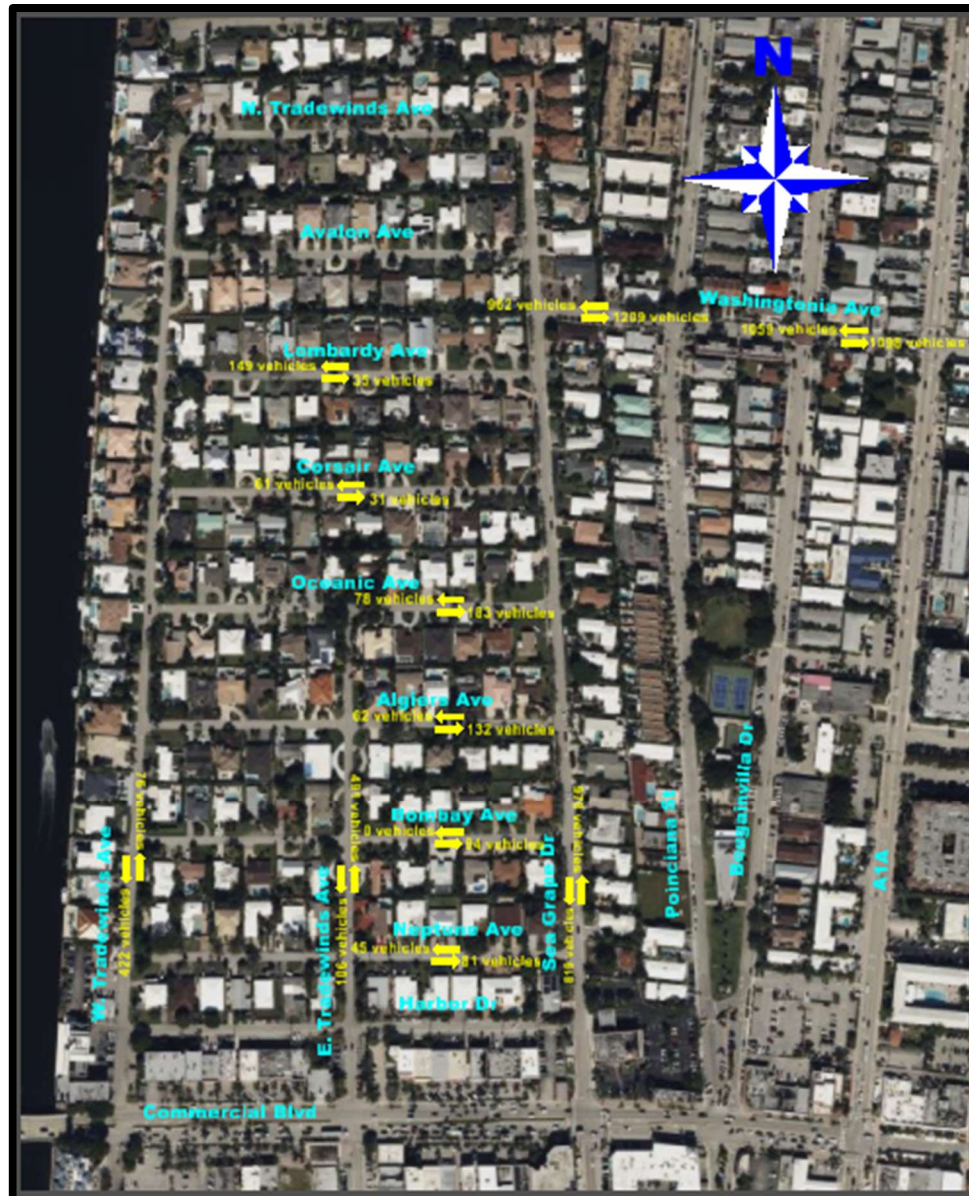


Figure 4: Silver Shores Traffic Count Volumes and Directions



Figure 5: Proposed Diverter at Poinciana Street and Washington Avenue



Figure 6: Landscaped Diagonal Traffic Diverters.

3.0 Recommendations

Baxter & Woodman found no indication of significant speeding within the neighborhood. This does not mean that no one is speeding, but that the number of people doing so is relatively small. In the Silver Shores neighborhood north of Commercial Boulevard, field observations did indicate that cut through traffic is occurring.

Baxter & Woodman recommends that the Town consider the deployment of additional speed limit signs particularly with in the Silver Shores neighborhood. To address the cut through traffic, it is recommended that the Town install a temporary diagonal diverter in the intersection of Washington Avenue and Poinciana Street using water filled barriers. Should the Town find that this solution is optimal, the water filled barriers may be replaced with a permanent installation at a later date.



THE TOWN OF
LAUDERDALE•BY•THE•SEA
4501 N. OCEAN DRIVE,
LAUDERDALE-BY-THE-SEA, FL 33308
Phone: 954-640-4200 Fax: 954-640-4236

March 28, 2025

Dear North Silver Shores Residents,

Thank you to everyone who took the time to respond to our recent survey! We had over 200 responses (a 46% response rate), and we greatly appreciate your input. Based on the results, it appears most residents aren't interested in moving forward with a temporary trial diverter at this time.

These survey results will be included in the report to the Town Commission for their upcoming discussion about traffic calming measures for your neighborhood. At this meeting, the Commission will discuss the report and decide if they support moving forward with the diverter or other traffic calming measures.

While we await the Commission's decision on the diverter, we have taken immediate steps to improve the traffic safety in your neighborhood. We have ordered a pair of permanent radar speed signs for Seagrape Drive. We will also be enhancing the crosswalk at Washingtonia Avenue and Seagrape Drive so that it is safer for pedestrians. Some other suggestions from the neighborhood included additional stop signs, traffic lights, and traffic circles. We have reviewed these requests, unfortunately, they do not meet the standards that we are required to adhere to. Because of that, we are unable to move forward with these additional measures.

We encourage you to attend the upcoming Commission meeting on Tuesday, April 8th, at 6:30 pm, where traffic calming measures for the North Silver Shores neighborhood will be discussed. Your feedback is important, and we encourage you to participate. If you are unable to attend the meeting in person, you can submit your comments via email to the Commissioners at public_comment@lbts-fl.gov. The meeting will also be televised on Channel 78 (Comcast) or Channel 99 (ATT) or you can watch directly from our website at [Town Agendas & Videos | Lauderdale-By-The-Sea, FL](#).

Thank you again for helping us make North Silver Shores a safer and more enjoyable neighborhood for everyone!

Sincerely,

Linda Connors
Town Manager
954-640-4204
Townmanager@lbts-fl.gov



Town Commission Agenda Item Report

Meeting Date: April 8, 2025

Submitted By: Ken Rubach, Deputy Town Manager/Public Works Director, Lucila Lang, Finance Director

Submitting Department: Administration

Item Type: Ordinance

Agenda Section: ORDINANCES 1st Reading

Subject Title: Ordinance 2025-03: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 20, "UTILITIES," OF THE TOWN'S CODE OF ORDINANCES BY AMENDING ARTICLE II, "SANITARY SEWER SYSTEM," SECTION 20-19 "RATES AND CHARGES"; AND PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

Explanation: Currently, the Town of Lauderdale-By-The-Sea charges sewer rates only to residents served by the Town-owned sewer system, which includes most areas of the Town south of Pine Avenue. The Town transmits its wastewater to Pompano Beach under a Master Sewer Agreement, which covers transmission, treatment, and disposal costs. Those residents who live north of Pine Avenue are billed directly through Pompano Beach because we do not own the sewer system.

The Wastewater Service Agreement between the City of Pompano Beach and the Town of Lauderdale-By-The-Sea includes an annual recalculation of the monthly and volumetric rates. Since FY18, the fixed monthly fee has increased by 90.01% and the volumetric rate has increased by 45.55%. In calendar year 2025, the fixed monthly fee increased by 4% and the volumetric rate increased by 14%. There has been no increase to the Town's sewer rate since 2020, resulting in a deficit of \$183,642.35 in the Sewer Fund for the previous fiscal year.

If sewer rates are not increased, the Sewer Fund will continue to operate at a deficit this year as it did in FY24, further impacting the Town's reserves. The existing sewer system is over 50 years old, and it is crucial to maintain a reasonable fund balance to cover future capital expenses.

Below are the recommended rate increases for this year, along with examples of how the increase will affect single-family residents, multi-family properties, and commercial establishments. It is important to note that these rate changes will not generate a full-year increase, as the Town was notified in November of a Pompano Beach rate increase that took effect January 1. Notices about the proposed increases have been sent out in the residents'

utility bills and, additionally, a postcard has been sent with the proposed increases as well. If the increase is approved, the Town will begin seeing the additional revenue in May 2025.

<u>Service Type</u>	<u>Base Rate</u>	<u>Increase</u>	<u>Proposed Amount</u>		<u>Consumption Rate</u>	<u>Increase</u>	<u>Proposed Amount</u>
Single-Family	\$11.81	\$2.95/25%	\$14.76		\$6.80	\$2.04/30%	\$8.84
Multi-Family	\$4.86	\$3.65/75%	\$8.51	x #units	\$6.80	\$2.04/30%	\$8.84
Commercial	\$11.81	\$2.95/25%	\$14.76	x #units	\$6.80	\$2.04/30%	\$8.84
Customer Service/Admin Charge	\$1.73	\$.43/25%	\$2.16				

Recommendation: Approve First Reading of Ordinance 2025-03 amending the Town code to reflect the new rates and charges for the sanitary sewer system.

Exhibits:

1. Ordinance 2025-03 FY 25 Sewer Rates

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WHEREAS, the Town Commission desires to amend its Code of Ordinances to increase the sanitary sewer rates that are charged to properties connected to the Town's sewer system; and

WHEREAS, the Town Commission desires to amend Chapter 20, “Utilities,” Article II, “Sanitary Sewer System,” Section 20-19, “Rates and Charges,” of the Town Code of Ordinances to increase the sanitary sewer rates as set forth herein; and

WHEREAS, the Town Commission finds that this Ordinance is in the best interests of the Town and its residents.

Section 1. Recitals. The foregoing “Whereas” clauses are ratified and incorporated as the legislative intent of this Ordinance

Section 2. Amendment. Chapter 20, “Utilities,” Article II, “Sanitary Sewer System,” Section 20-19, “Rates and Charges,” of the Town Code of Ordinances, is hereby amended to read as follows¹:

Sec. 20-19. Rates and Charges.

* * *

(b) *Amounts of rates and charges.*

(1) *Monthly base facility charge per single-family unit:*

~~\$11.81~~ \$14.76 effective ~~03/2020~~ 05/2025

(2) *Monthly base facility charge per multi-family unit, including duplexes:*

~~\$4.86~~ \$8.51 effective ~~03/2020~~ 05/2025

(3) *Monthly base facility charge per commercial customer:*

~~\$11.81~~ \$14.76 effective ~~03/2020~~ 05/2025

* * *

(4) *Consumption rate charged per 1,000 gallons of water usage:*

All customer classes:

~~\$6.80~~ \$8.84 effective ~~03/2020~~ 05/2025

Residential units will not be charged a consumption rate for usage in excess of 10,000 gallons per month.

(5) *Monthly customer service/administration charge per meter:*

All customer classes:

~~\$1.73~~ \$2.16 effective ~~03/2020~~ 05/2025

* * *

Section 3. Codification. This Ordinance shall be codified in accordance with the foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall become and be made a part of the Town of Lauderdale-By-The-Sea Code of Ordinances; and that the sections of this

¹ Additions to existing text are shown in underline. Deletions are shown in strikethrough. Additions to existing text since 1st reading are shown in double underline. Deletions since 1st reading are shown in double strikethrough.

Ordinance may be renumbered or re-lettered and the word “ordinance” may be changed to “section”, “article” or such other appropriate word or phrase in order to accomplish such intentions.

Section 4. Severability. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 5. Conflicting Ordinances. All prior ordinances or resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Effective Date. This Ordinance shall become effective upon adoption on second reading, and the new sewer rates shall be effective commencing the first day of the water service billing cycle that begins in May 2025, provided that the City of Fort Lauderdale is able to timely implement the changes; otherwise, the new sewer rates shall be effective commencing the first day of the water service billing cycle that begins in June 2025.

Passed on the first reading, this ____ day of _____, 2025.

Passed on the second reading, this ____ day of _____, 2025.

MAYOR EDMUND MALKOON

	First Reading	Second Reading
Mayor Malkoon	_____	_____
Vice-Mayor Strauss	_____	_____
Commissioner Pouloupoulos	_____	_____
Commissioner Denapoli	_____	_____
Commissioner Graziano	_____	_____

ATTEST:

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Town Clerk Katrina Adler

(CORPORATE SEAL)

APPROVED AS TO FORM:

Susan L. Trevarthen, Town Attorney



Town Commission Agenda Item Report

Meeting Date: April 8, 2025

Submitted By: Linda Connors, Town Manager

Submitting Department: Administration

Item Type: Ordinance

Agenda Section: ORDINANCES 1st Reading

Subject Title: ORDINANCE 2025-04 AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 5, "BEACHES AND WATERWAYS," ARTICLE I, "IN GENERAL," SECTION 5-7, "FISHING REGULATED; EXHIBITING FISH ON BEACH AND SPEARFISHING PROHIBITED," OF THE TOWN'S CODE OF ORDINANCES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Explanation: We have experienced a huge increase in the number of people fishing and surf casting on the beach. The current Code allows fishing and surf casting at any time other than the hours of 9 AM through 4 PM on weekdays and 9 AM through 6 PM on Saturday, Sunday, and holidays.

Persons are also prohibited from engaging in fishing and surf casting within the proximity of swimmers.

The problem that we have is that long stretches of the beach have been taken over by those who are fishing and surf casting, and beach goers cannot enjoy the beach. Most often, those who are fishing and surfcasting are present before the beach-goers arrive, so that they are not limited by the Code provision regarding proximity to swimmers.

Staff is suggesting amending the Code to allow surfcasting and fishing between the hours of 7 PM and 7 AM. This reduced time will still allow fishing and surfcasting from our beach, while allowing swimming, walking and the passive enjoyment of the beach for others.

Recommendation: Adopt Ordinance 2025-04 on first reading, and set second reading for April 22, 2025.

Exhibits:

1. Ordinance 2025-04 Amending Chapter 5 Fishing And Surf Casting On Beach

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**AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-
THE-SEA, FLORIDA, AMENDING CHAPTER 5,
“BEACHES AND WATERWAYS,” ARTICLE I, “IN
GENERAL,” SECTION 5-7, “FISHING REGULATED;
EXHIBITING FISH ON BEACH AND SPEARFISHING
PROHIBITED,” OF THE TOWN’S CODE OF
ORDINANCES; PROVIDING FOR CODIFICATION,
SEVERABILITY, CONFLICTS, AND AN EFFECTIVE
DATE.**

WHEREAS, the Town Commission of the Town of Lauderdale-By-The-Sea, Florida (the “Town”) finds it periodically necessary to amend its Code of Ordinances (the “Town Code”) in order to update regulations and procedures to implement municipal goals and objectives; and

WHEREAS, the Town seeks to ensure that all beach activities, including fishing and surfing, are conducted in a manner that minimizes conflicts, while providing a clearer and more consistent schedule to promote safety and enjoyment for all users of the public beach; and

WHEREAS, the Town Commission desires to amend Chapter 5, “Beaches and Waterways,” Article I, “In General,” Section 5-7, “Fishing Regulated; Exhibiting Fish on Beach and Spearfishing Prohibited,” of the Town’s Code to revise the hours for fishing and surf casting on the Town’s public beach; and

WHEREAS, the Town Commission finds that this Ordinance is in the best interests of the Town and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing “Whereas” clauses are ratified and incorporated as the legislative intent of this Ordinance

Section 2. Amendment. Chapter 5, “Beaches and Waterways,” Article I, “In General,” Section 5-7, “Fishing Regulated; Exhibiting Fish on Beach and Spearfishing Prohibited,” of the Town Code of Ordinances, is hereby amended to read as follows¹:

CHAPTER 5 - BEACHES AND WATERWAYS

ARTICLE I. - IN GENERAL

Sec. 5-1. - Definitions.

The following words and phrases, when used in this chapter, shall have the following meanings respectively ascribed to them except where the context clearly indicates a different meaning:

Beach means the zone of unconsolidated material that extends landward from the mean low waterline to the place where there is marked change in material or physiographic form or to the line of permanent vegetation, usually the effective limit of storm waves. Beach is alternatively termed shore.

* * *

Sec. 5-7. - Fishing regulated; exhibiting fish on beach and spearfishing prohibited.

(a) It shall be unlawful for any person to spearfish on the public beach within the corporate limits of the Town.

(b) It shall be unlawful for any person to fish or surf cast from any part of the public beach within the corporate limits of the Town unless in compliance with the following:

(1) Fishing and surf casting shall be allowed on the public beach at any time other than the hours of 7:00 a.m. through 7:00 p.m. every day ~~9:00 a.m. through 4:00 p.m. Monday through Friday, and 9:00 a.m. through 6:00 p.m. on Saturday, Sunday and national holidays.~~

(2) Persons are prohibited from engaging in fishing and surf casting within the proximity of swimmers, scuba divers, snorkelers and bathers.

(3) Chumming is prohibited.

(4) The Town Manager or designee may temporarily place further restrictions on fishing or surf casting on any part of the public beach to accommodate an event taking place on the beach or in a declared emergency.

(c) It shall be unlawful for any person to use the beaches of the Town for the purpose of landing or exhibiting sharks, barracuda or sting rays.

* * *

¹ Additions to existing text are shown in underline. Deletions are shown in ~~strikethrough~~. Additions to existing text since 1st reading are shown in double underline. Deletions since 1st reading are shown in ~~double strikethrough~~.

Section 3. Codification. This Ordinance shall be codified in accordance with the foregoing.

It is the intention of the Town Commission that the provisions of this Ordinance shall become and be made a part of the Town of Lauderdale-By-The-Sea Code of Ordinances; and that the sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be changed to “section”, “article” or such other appropriate word or phrase in order to accomplish such intentions.

Section 4. Severability. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 5. Conflicting Ordinances. All prior ordinances or resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Effective Date. This Ordinance shall become effective upon adoption on second reading.

Passed on the first reading, this ____ day of _____, 2025.

Passed and adopted on the second reading, this ____ day of _____, 2025.

MAYOR EDMUND MALKOON

First Reading

Second Reading

Mayor Malkoon

Vice-Mayor Strauss

Commissioner Pouloupoulos

Commissioner Denapoli

Commissioner Graziano

ATTEST:

Town Clerk Katrina Adler
(CORPORATE SEAL)

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94 APPROVED AS TO FORM:

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97 Susan L. Trevarthen, Town Attorney



Agenda Item No: 18.a.

Town Commission Agenda Item Report

Meeting Date: April 8, 2025

Submitted By: Linda Connors, Town Manager

Submitting Department: Administration

Item Type: Resolution

Agenda Section: RESOLUTIONS – PUBLIC COMMENTS

Subject Title: Resolution 2025-22 A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, URGING THE FLORIDA LEGISLATURE AND THE FLORIDA GOVERNOR TO OPPOSE FURTHER PREEMPTIONS OF HOME RULE AUTHORITY IN HOUSE BILL 943 AND SENATE BILL 1730 (LIVE LOCAL ACT AMENDMENTS); PROVIDING DIRECTION TO TOWN OFFICIALS; PROVIDING FOR AN EFFECTIVE DATE.

Explanation: HB 943 and SB 1730 propose amendments to various provisions in the Live Local Act relating to development of affordable housing, and both bills increase the level of state preemption of local governments' land use and zoning home rule authority over the location, intensity and nature of development in the Live Local Act.

Home rule is the foundation for local governments to create fair, effective, and responsive policies for their communities, which vary widely in their populations, economies, demographics, resources, geography, level of development, and visions for their futures across this, the third largest state in the country.

While the Town of Lauderdale-By-The-Sea (the "Town") supports the goals of affordable housing and recognizes the need for funding to address this issue, we strongly oppose the further preemptions and limitations on local governance proposed by HB 943 and SB 1730.

The Town Commission finds it to be in the best interest of the residents of the Town to oppose, and urge the Florida Legislature and the Governor to oppose these aspects of the Bills and any other legislation which further infringes on local governments' home rule authority.

Recommendation: Staff recommends approval of Resolution 2025-22 which urges the Florida Legislature to oppose HB943 and SB1730.

Exhibits:

1. Resolution 2025-22 HB 943 Opposition
2. HB 943 C1
3. Am 933125 to HB 943 C1
4. SB 1730

5. Am 768966 to SB 1730

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A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, URGING THE FLORIDA LEGISLATURE AND THE FLORIDA GOVERNOR TO OPPOSE FURTHER PREEMPTIONS OF HOME RULE AUTHORITY IN HOUSE BILL 943 AND SENATE BILL 1730 (LIVE LOCAL ACT AMENDMENTS); PROVIDING DIRECTION TO TOWN OFFICIALS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on March 31, 2025, Representative Lopez filed House Bill 943 (“HB 943”) and on February 24, 2025, Senator Calatayud filed Senate Bill 1730 (“SB 1730”) in the 2025 Session of the Florida Legislature, and both bills are moving through review by their assigned committees; and

WHEREAS, HB 943 and SB 1730 propose amendments to various provisions in the Live Local Act relating to development of affordable housing, and both bills increase the level of state preemption of local governments' land use and zoning home rule authority over the location, intensity and nature of development in the Live Local Act; and

WHEREAS, the Florida Legislature adopted the “Municipal Home Rule Powers Act” in Chapter 166, Florida Statutes; and

WHEREAS, home rule is a cherished concept, supported by an overwhelming majority of Florida citizens, that allows the development of local solutions to local problems at the level of government that is closest and most responsive to the people; and

WHEREAS, home rule is the foundation for local governments to create fair, effective, and responsive policies for their communities, which vary widely in their populations, economies,

demographics, resources, geography, level of development, and visions for their futures across this, the third largest state in the country; and

WHEREAS, HB 943 and SB 1730 are just the latest in a burgeoning tide of state laws infringing on local governments' home rule powers and imposing one-size-fits-all solutions that poorly fit diverse circumstances; and

WHEREAS, while the Town of Lauderdale-By-The-Sea (the "Town") supports the goals of affordable housing and recognizes the need for funding to address this issue, we strongly oppose the further preemptions and limitations on local governance proposed by HB 943 and SB 1730; and

WHEREAS, the Town Commission finds it to be in the best interest of the residents of the Town to oppose, and urge the Florida Legislature and the Governor to oppose these aspects of the Bills and any other legislation which further infringes on local governments' home rule authority.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA:

Section 1. Recitals. Each "WHEREAS" clause set forth is true and correct and herein incorporated by this reference.

Section 2. Commission Action Opposing Legislation Infringing on Home Rule Authority. The Town Commission urges the State Administration and Florida Legislature to oppose the further preemption of home rule in the Bills and any other legislation which further infringes on local governments' home rule authority.

Section 3. Distribution. The Town Clerk is directed to distribute this Resolution to the Governor Ron DeSantis, the Speaker of the House, the President of the Senate, the Florida League

of Cities, the Florida Association of Counties, the Florida City-County Management Association, Board of County Commissioners for Broward County, the Broward County League of Cities, the Broward Legislative Delegation, and each of the municipalities in Broward County.

Section 4. Authorization to Implement. The appropriate Town officials are authorized to execute all necessary documents and to take any necessary action to effectuate the intent of this Resolution.

Section 5. Effective Date. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED this 8th day of April, 2025.

Mayor Edmund Malkoon

ATTEST:

Katrina Adler, Town Clerk
(CORPORATE SEAL)

APPROVED AS TO FORM:

Susan L. Trevarthen, Town Attorney

1 A bill to be entitled
2 An act relating to real property and land use and
3 development; amending s. 125.01055, F.S.; prohibiting
4 counties from adopting or enforcing specified laws,
5 ordinances, rules, or other measures relating to
6 affordable housing; authorizing the board of county
7 commissioners to approve the development of housing
8 that is affordable on any parcel that is owned by a
9 specified religious institution; providing
10 definitions; requiring counties to authorize
11 multifamily and mixed-use residential as allowable
12 uses on sites owned by specified entities and in
13 planned unit developments for specified use, if
14 certain conditions are met; requiring counties to
15 include adjacent land as part of multifamily
16 development, regardless of land use designation, if
17 certain conditions are met; prohibiting counties from
18 requiring a proposed multifamily development to
19 acquire or transfer density, density units, or
20 development units or obtain certain amendments or
21 approval; prohibiting counties from requiring more
22 than a certain percentage of total square footage to
23 be used for specified purposes; requiring a specified
24 definition of areas zoned for mixed use; providing
25 that certain affordable or workforce units also

26 qualify as affordable housing; prohibiting counties
27 from restricting or taking action that has the effect
28 of restricting the density of a proposed multifamily
29 or mixed-use residential development below the highest
30 density allowed on or after a specified date;
31 providing construction; prohibiting counties from
32 restricting or taking action that has the effect of
33 restricting the maximum lot size of a proposed
34 multifamily or mixed-use residential development below
35 the largest maximum lot size allowed on or after a
36 specified date; prohibiting counties from restricting
37 or taking action that has the effect of restricting
38 the floor area ratio of a proposed multifamily or
39 mixed-use residential development below a certain
40 percentage allowed on or after a specified date;
41 prohibiting counties from restricting or taking action
42 that has the effect of restricting the height of a
43 proposed multifamily or mixed-use residential
44 development below the highest height allowed on or
45 after a specified date; providing construction;
46 revising the ability of counties to restrict the
47 height of multifamily or mixed-use residential
48 developments that are adjacent to specified parcels to
49 the highest height allowed on or after a specified
50 date; requiring administrative approval of proposed

51 multifamily or mixed-use residential developments with
52 no further action or approval in certain instances;
53 requiring such developments to be treated as a
54 conforming use, notwithstanding certain land
55 development regulations; prohibiting counties from
56 initiating or enforcing zoning-in-progress or building
57 moratoriums in certain instances; requiring each
58 county to maintain on its website a specified policy;
59 requiring counties to reduce certain parking
60 requirements by a specified percentage; requiring
61 counties to approve, within a specified timeframe,
62 building permit plan reviews for proposed
63 developments; providing for the awarding of attorney
64 fees and costs under certain conditions; providing
65 that if a county adopts an ordinance or resolution, or
66 makes any other decision, after a specified date
67 having certain effects, the ordinance, resolution, or
68 decision is deemed preempted; providing that the
69 administrative review process of a site plan filed
70 with a county must be based on land development
71 regulations in effect as of the date of filing the
72 application; preempting the regulation of affordable
73 housing to the state; requiring courts to expedite
74 proceedings and render an order within a specified
75 timeframe if an action is filed against a local

76 government based on preemption grounds; requiring
77 notice of appeal to be filed and served within a
78 specified timeframe from such judgment; requiring the
79 Supreme Court to adopt rules by a specified date for
80 such expedited proceedings; prohibiting counties from
81 conditioning review or approval of applications for
82 development permits or orders on the waiver,
83 forbearance, acquisition, transfer, or abandonment of
84 any development right, or the procurement or transfer
85 of density units or development units; deeming such
86 actions to be void; providing reporting requirements
87 for counties and the state land planning agency;
88 prohibiting the imposition of a building moratorium
89 under certain circumstances; providing that the owner
90 of an administratively approved proposed development
91 has a vested right to proceed with development under
92 certain circumstances; amending s. 163.31801, F.S.;
93 requiring an exception or waiver for a specified
94 percentage of the impact fees for certain
95 developments; amending s. 166.041, F.S.; requiring
96 that ordinances designating property as a historic
97 landmark require a map to be readily available;
98 requiring municipalities to submit such maps to the
99 State Historic Preservation Officer by a specified
100 date; requiring that resolutions designating certain

101 privately owned property as a historic landmark be
102 based on a certain finding by the governing body for
103 adoption of such resolutions; amending s. 166.04151,
104 F.S.; prohibiting municipalities from adopting or
105 enforcing specified laws, ordinances, rules, or other
106 measures relating to affordable housing; authorizing
107 municipalities to approve the development of housing
108 that is affordable on any parcel that is owned by
109 specified religious institutions; providing
110 definitions; requiring municipalities to authorize
111 multifamily and mixed-use residential as allowable
112 uses on sites owned by specified entities and in
113 planned unit developments for specified use, if
114 certain conditions are met; requiring municipalities
115 to include adjacent land as part of multifamily
116 development, regardless of land use designation, if
117 certain conditions are met; prohibiting municipalities
118 from requiring a proposed multifamily development to
119 acquire or transfer density, density units, or
120 development units or obtain certain amendments or
121 approval; prohibiting municipalities from requiring
122 more than a certain percentage of total square footage
123 to be used for specified purposes; requiring a
124 specified definition of areas zoned for mixed use;
125 providing that certain affordable or workforce units

also qualify as affordable housing; prohibiting municipalities from restricting or taking action that has the effect of restricting the density of a proposed multifamily or mixed-use residential development below the highest density allowed on or after a specified date; providing construction; prohibiting municipalities from restricting or taking action that has the effect of restricting the maximum lot size of a proposed multifamily or mixed-use residential development below the largest maximum lot size allowed on or after a specified date; prohibiting municipalities from restricting or taking action that has the effect of restricting the floor area ratio of a proposed multifamily or mixed-use residential development below a certain percentage allowed on or after a specified date; prohibiting municipalities from restricting or taking action that has the effect of restricting the height of a proposed multifamily or mixed-use residential development below the highest height allowed on or after a specified date; providing construction; revising the ability of municipalities to restrict the height of multifamily or mixed-use residential developments that are adjacent to specified parcels to the highest height allowed on or after a specified date; requiring administrative

151 approval of proposed multifamily or mixed-use
152 residential developments with no further action or
153 approval in certain instances; requiring such
154 developments to be treated as a conforming use,
155 notwithstanding certain land development regulations;
156 prohibiting municipalities from initiating or
157 enforcing zoning-in-progress or building moratoriums
158 in certain instances; requiring each municipality to
159 maintain on its website a specified policy; requiring
160 municipalities to reduce certain parking requirements
161 by a specified percentage; requiring municipalities to
162 approve, within a specified timeframe, building permit
163 plan reviews for proposed developments; providing for
164 the awarding of attorney fees and costs under certain
165 conditions; providing that if a municipality adopts an
166 ordinance or resolution, or makes any other decision,
167 after a specified date having certain effects, the
168 ordinance, resolution, or decision is deemed
169 preempted; providing that the administrative review
170 process of a site plan filed with a municipality must
171 be based on land development regulations in effect as
172 of the date of filing the application; preempting the
173 regulation of affordable housing to the state;
174 requiring courts to expedite proceedings and render an
175 order within a specified timeframe if an action is

176 filed against a local government based on preemption
177 grounds; requiring notice of appeal to be filed and
178 served within a specified timeframe from such
179 judgment; requiring the Supreme Court to adopt rules
180 by a specified date for such expedited proceedings;
181 prohibiting municipalities from conditioning review or
182 approval of applications for development permits or
183 orders on the waiver, forbearance, acquisition,
184 transfer, or abandonment of any development right, or
185 the procurement or transfer of density units or
186 development units; deeming such actions to be void;
187 providing reporting requirements for municipalities
188 and the state land planning agency; prohibiting the
189 imposition of a building moratorium under certain
190 circumstances; providing that the owner of an
191 administratively approved proposed development has a
192 vested right to proceed with development under certain
193 circumstances; amending s. 163.2517, F.S.; requiring
194 that proposed urban infill developments be
195 administratively approved, notwithstanding any
196 ordinance to the contrary before a specified date;
197 amending s. 163.3167, F.S.; revising the scope of the
198 Community Planning Act; amending s. 163.31771, F.S.;
199 revising the definition of the term "accessory
200 dwelling unit"; defining the term "department";

201 requiring local governments to adopt ordinances as
202 they relate to accessory dwelling units; prohibiting
203 local governments from increasing costs of
204 construction of accessory dwelling units; providing
205 exceptions; requiring local governments to submit
206 annual reports beginning on a specified date to the
207 Department of Commerce and post such reports on the
208 local governments' websites; providing requirements
209 for the reports; authorizing the department to adopt
210 rules; prohibiting an owner of property with an
211 accessory dwelling unit from being denied a homestead
212 exemption or homestead property assessment limitation
213 solely on the basis of the property containing an
214 accessory dwelling unit; establishing requirements for
215 homestead purposes if an accessory dwelling unit is
216 rented by the property owner; requiring an accessory
217 dwelling unit that is not rented to be considered part
218 of homestead property; amending s. 196.1979, F.S.;
219 authorizing the board of county commissioners or the
220 governing body of a municipality to exempt specified
221 portions of property within multifamily projects and
222 accessory dwelling units used to provide affordable
223 housing; revising ad valorem property tax exemption
224 provisions for accessory dwelling units; amending s.
225 333.03, F.S.; revising applicability for certain

226 proposed developments; defining the term "commercial
227 service airport"; amending s. 420.50871, F.S.;
228 expanding the scope of financing of affordable housing
229 projects to include certain housing; creating s.
230 702.13, F.S.; providing definitions; authorizing the
231 filing of motions to determine whether residential
232 real property is abandoned real property; requiring
233 certain documentation to be filed with such motions;
234 requiring the trial court to set a hearing on such
235 motions within a certain timeframe; providing notice
236 requirements; requiring the court to render a
237 declaratory judgment upon certain findings and
238 immediately proceed to a foreclosure trial; requiring
239 the court to enter a judgment of foreclosure and
240 schedule a public sale of the abandoned real property
241 upon certain findings; prohibiting the court from
242 entering a declaratory judgment in certain instances;
243 requiring the court to rescind its orders in certain
244 instances; providing applicability; amending s.
245 760.22, F.S.; revising the definition of the term
246 "person"; amending s. 760.26, F.S.; prohibiting
247 discrimination in land use decisions and in permitting
248 of development based on a development or proposed
249 development being affordable housing; providing
250 applicability; amending s. 760.35, F.S.; revising

provisions relating to the issuance of a court order prohibiting a discriminatory housing practice; providing for waiver of sovereign immunity; amending s. 479.01, F.S.; conforming a cross-reference; amending s. 1001.43, F.S.; requiring district school boards to exercise specified supplemental powers and duties relating to affordable housing; providing an effective date.

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

Section 1. Subsections (1), (6), (7), and (8) of section 125.01055, Florida Statutes, are amended, and subsections (9) through (12) are added to that section, to read:

125.01055 Affordable housing.—

(1) Notwithstanding any other provision of law, a county may adopt and maintain in effect any law, ordinance, rule, or other measure that is adopted for the purpose of increasing the supply of affordable housing using land use mechanisms such as inclusionary housing or linkage fee ordinances. A county may not adopt or enforce any law, ordinance, rule, or other measure that limits or prohibits affordable housing, including, but not limited to, any measure that is adopted for the purpose of limiting the maximum percentage of units within a certain geographic area or within a certain distance from another

276 affordable housing project, or that otherwise prohibits
277 affordable housing in areas zoned for such use.

278 (6) Notwithstanding any other law or local ordinance or
279 regulation to the contrary, the board of county commissioners
280 may approve the development of housing that is affordable, as
281 defined in s. 420.0004, including, but not limited to, a mixed-
282 use residential development, on any parcel zoned for commercial
283 or industrial use, or on any parcel, including any contiguous
284 parcel connected thereto, that is owned by a religious
285 institution, as defined in s. 170.201(2), that contains a house
286 of public worship, regardless of the underlying zoning, so long
287 as at least 10 percent of the units included in the project are
288 for housing that is affordable. The provisions of this
289 subsection are self-executing and do not require the board of
290 county commissioners to adopt an ordinance or a regulation
291 before using the approval process in this subsection.

292 (7)(a) As used in this subsection, regardless of
293 terminology used in a county's land development regulations, the
294 term:

295 1. "Allowable density" means the density prescribed for
296 the property without additional requirements to procure and
297 transfer density units or development units from other
298 properties.

299 2. "Allowable use" means the intended uses identified in a
300 county's land development regulations which are authorized

301 within a zoning category as a use by right, without the
302 requirement to obtain a variance or waiver. The term does not
303 include uses that are accessory, ancillary, or incidental to the
304 allowable uses or allowed only on a temporary basis.

305 3. "Commercial use" means activities associated with the
306 sale, rental, or distribution of products or the sale or
307 performance of services. The term includes, but is not limited
308 to, retail, office, entertainment, and other for-profit business
309 activities.

310 4. "Industrial use" means activities associated with the
311 manufacture, assembly, processing, or storage of products or the
312 performance of related services.

313 5. "Planned unit development" has the same meaning as in
314 s. 163.3202(5) (b) .

315 (b)1.~~(a)~~ Notwithstanding any other law, local ordinance,
316 or regulation to the contrary, including any local moratorium
317 established after March 29, 2023, a county must authorize
318 multifamily and mixed-use residential as allowable uses on any
319 site owned by the county, a district school board, or a
320 religious institution as defined in s. 170.201(2), and in any
321 area zoned for commercial, industrial, or mixed use; any planned
322 unit development permitted for commercial, industrial, or mixed
323 use; or any zoning district not zoned solely for use as a
324 single-family home or duplex, if at least 40 percent of the
325 residential units in a proposed multifamily or mixed-use

326 residential development are rental units that, for a period of
327 at least 30 years, are affordable as defined in s. 420.0004. A
328 county shall authorize the inclusion of an adjacent parcel of
329 land as part of the multifamily development, regardless of the
330 land use designation of the adjacent parcel, if the residential
331 units to be built on the adjacent parcel comply with the
332 requirements of this subsection.

333 2. Notwithstanding any other law, local ordinance, or
334 regulation to the contrary, a county may not require a proposed
335 multifamily or mixed-use residential development to acquire or
336 transfer density, density units, or development units or obtain
337 an amendment to a development of regional impact, amendment to a
338 development agreement, or amendment to a restrictive covenant or
339 a zoning or land use change, special exception, conditional use
340 approval, variance, ~~or~~ comprehensive plan amendment, or any
341 other approval for the building height, zoning, and densities
342 authorized under this subsection.

343 3. For mixed-use residential projects, at least 65 percent
344 of the total square footage must be used for residential
345 purposes. A county may not require more than 10 percent of the
346 total square footage to be used for nonresidential purposes.

347 4. Notwithstanding any local land development regulation
348 categorization or title, areas zoned for mixed use shall be
349 defined as areas that include both residential and
350 nonresidential uses, regardless of whether the residential or

351 nonresidential uses are permitted as principal use, conditional
352 use, ancillary use, special use, unusual use, accessory use,
353 planned unit development, or planned development. Nonresidential
354 use includes, but is not limited to, retail, office, hotel,
355 lodging, civic, institutional, parking, utilities, or other
356 commercial uses.

357 5. Affordable or workforce units that receive any
358 incentive under subsection (4) also qualify as affordable under
359 this subsection as long as the units satisfy the requirements of
360 s. 420.0004 and the local regulations.

361 (c) ~~(b)~~ A county may not directly restrict or take action
362 that has the effect of restricting the density of a proposed
363 multifamily or mixed-use residential development authorized
364 under this subsection below the highest ~~currently allowed~~
365 density allowed on or after July 1, 2023, on any unincorporated
366 land in the county where residential development is allowed
367 under the county's land development regulations. For purposes of
368 this paragraph, the term "highest ~~currently allowed~~ density"
369 does not include the density of any building that met the
370 requirements of this subsection or the density of any building
371 that has received any bonus, variance, or other special
372 exception for density provided in the county's land development
373 regulations as an incentive for development. For purposes of
374 this paragraph, to "directly restrict" or to "take action that
375 has the effect of restricting" density includes requirements to

376 procure or transfer density units or development units from
377 other properties.

378 (d) A county may not directly restrict or take action that
379 has the effect of restricting the maximum lot size of a proposed
380 multifamily or mixed-use residential development authorized
381 under this paragraph below the largest maximum lot size allowed
382 on or after July 1, 2023, on any unincorporated land in the
383 county where multifamily or mixed-use residential development is
384 allowed pursuant to the county's land development regulations. A
385 county may not restrict the maximum lot coverage of a proposed
386 multifamily or mixed-use residential development authorized
387 under this paragraph below 70 percent.

388 (e)-(e) A county may not directly restrict or take action
389 that has the effect of restricting the floor area ratio of a
390 proposed multifamily or mixed-use residential development
391 authorized under this subsection below 150 percent of the
392 highest ~~currently allowed~~ floor area ratio allowed on or after
393 July 1, 2023, on any unincorporated land in the county where
394 development is allowed under the county's land development
395 regulations. For purposes of this paragraph, the term "highest
396 ~~currently allowed~~ floor area ratio" does not include the floor
397 area ratio of any building that met the requirements of this
398 subsection or the floor area ratio of any building that has
399 received any bonus, variance, or other special exception for
400 floor area ratio provided in the county's land development

401 regulations as an incentive for development. For purposes of
402 this subsection, the term "floor area ratio" includes floor lot
403 ratio.

404 (f)-(d)1. A county may not directly restrict or take action
405 that has the effect of restricting the height of a proposed
406 multifamily or mixed-use residential development authorized
407 under this subsection below the highest ~~currently allowed~~ height
408 allowed on or after July 1, 2023, for a commercial or
409 residential building located in its jurisdiction within 1 mile
410 of the proposed development or 3 stories, whichever is higher.
411 For purposes of this paragraph, the term "highest ~~currently~~
412 ~~allowed~~ height" includes the height of the tallest existing
413 building located in its jurisdiction within 1 mile of the
414 proposed development if the existing building exceeds the
415 highest height allowed on or after July 1, 2023. However, the
416 term does not include the height of any building that met the
417 requirements of this subsection or the height of any building
418 that has received any bonus, variance, or other special
419 exception for height provided in the county's land development
420 regulations as an incentive for development.

421 2. If the proposed multifamily or mixed-use residential
422 development is adjacent to, on two or more sides, a parcel zoned
423 for single-family residential use which is within a single-
424 family residential development with at least 25 contiguous
425 single-family homes, the county may restrict the height of the

426 proposed development to 150 percent of the tallest building on
427 any property adjacent to the proposed development, the highest
428 ~~currently allowed~~ height allowed on or after July 1, 2023, for
429 the property provided in the county's land development
430 regulations, or 3 stories, whichever is higher. For the purposes
431 of this paragraph, the term "adjacent to" means those properties
432 sharing more than one point of a property line, but does not
433 include properties separated by a public road.

434 (g)1.(e) A proposed multifamily or mixed-use residential
435 development authorized under this subsection must be
436 administratively approved and ~~no~~ further action by the board of
437 county commissioners or any quasi-judicial board of the
438 reviewing body is not authorized ~~required~~ if the development
439 satisfies the county's land development regulations for
440 multifamily or mixed-use residential developments in areas zoned
441 for such use, density, intensity, and height, and is otherwise
442 consistent with the comprehensive plan, with the exception of
443 provisions establishing ~~allowable~~ densities, floor area ratios,
444 height, and land use, including mixed-use and minimum
445 nonresidential or commercial floor area requirements. The
446 removal or demolition of an existing structure to be performed
447 as part of the proposed development must also be
448 administratively approved. A proposed development authorized
449 under this subsection must be treated as a conforming use,
450 notwithstanding the county's comprehensive plan, future land use

451 ~~designation, or zoning. Such land development regulations~~
452 ~~include, but are not limited to, regulations relating to~~
453 ~~setbacks and parking requirements.~~

454 2. A county may not initiate or enforce zoning-in-progress
455 or a building moratorium on a proposed development that is
456 subject to this subsection and for which the county has approved
457 the development's preliminary site plan.

458 3. A proposed development located within one-quarter mile
459 of a military installation identified in s. 163.3175(2) may not
460 be administratively approved.

461 4. Each county shall maintain on its website a policy
462 containing the zoning map and zoning regulations in effect on
463 July 1, 2023, and the procedures and expectations for
464 administrative approval pursuant to this subsection.

465 (h)-(f)1. A county must reduce ~~consider reducing~~ parking
466 requirements by at least 20 percent for a proposed development
467 authorized under this subsection, or by 100 percent for
468 structures that are 20,000 square feet or less ~~if the~~
469 ~~development is located within one-quarter mile of a transit~~
470 ~~stop, as defined in the county's land development code, and the~~
471 ~~transit stop is accessible from the development.~~

472 2. A county must reduce parking requirements by at least
473 20 percent for a proposed development authorized under this
474 subsection if the development:

475 a. Is located within one-half mile of a major

476 transportation hub that is accessible from the proposed
477 development by safe, pedestrian-friendly means, such as
478 sidewalks, crosswalks, elevated pedestrian or bike paths, or
479 other multimodal design features; or ~~and~~

480 b. Has available parking within 600 feet of the proposed
481 development which may consist of options such as on-street
482 parking, parking lots, or parking garages available for use by
483 residents of the proposed development. However, a county may not
484 require that the available parking compensate for the reduction
485 in parking requirements.

486 3. A county must eliminate parking requirements for a
487 proposed mixed-use residential development authorized under this
488 subsection within an area recognized by the county as a transit-
489 oriented development or area, as provided in paragraph (j) ~~(h)~~.

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

494 (i) ~~(g)~~ For proposed multifamily developments in an
495 unincorporated area zoned for commercial or industrial use which
496 is within the boundaries of a multicounty independent special
497 district that was created to provide municipal services and is
498 not authorized to levy ad valorem taxes, and less than 20
499 percent of the land area within such district is designated for
500 commercial or industrial use, a county must authorize, as

provided in this subsection, such development only if the development is mixed-use residential.

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

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

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

2. Nothing in this subsection precludes a proposed development authorized under this subsection from receiving a bonus for density, height, or floor area ratio pursuant to an ordinance or regulation of the jurisdiction where the proposed development is located if the proposed development satisfies the conditions to receive the bonus except for any condition which

conflicts with this subsection. If a proposed development qualifies for such bonus, the bonus must be administratively approved by the county and no further action by the board of county commissioners is required.

(1) A county shall approve a building permit plan review for a proposed development within 60 days as authorized under this subsection, and prioritize a building permit plan review for projects authorized under this subsection over other development projects.

(m) Notwithstanding s. 57.112(6), the prevailing party in a challenge under this subsection is entitled to recover attorney fees and costs, including reasonable appellate attorney fees and costs.

(n)~~(k)~~ This subsection does not apply to:

1. Airport-impacted areas as provided in s. 333.03.
2. Property defined as recreational and commercial working waterfront in s. 342.201(2)(b) in any area zoned as industrial.

(o) After July 1, 2023, if a county adopts an ordinance or resolution, or makes any other decision, and such ordinance, resolution, or decision has the effect, either directly or indirectly, of:

1. Limiting the height, floor area ratio, or density of a project under this section;

2. Unreasonably delaying the development or construction of a project under this section, including, but not limited to,

551 imposing a moratorium;

552 3. Restricting the manner in which affordable units are
553 developed or accessed within a project or regulating the types
554 of units in the project; or

555 4. Restricting or limiting a project under this section in
556 any other way,

557
558 then such ordinance, resolution, or decision shall be deemed
559 preempted. If a property owner files a site plan application
560 under this section with a county, the administrative review
561 process must be based only on the land development regulations
562 in effect as of the date of filing the application.

563 (p) The regulation of affordable housing under this
564 subsection is expressly preempted to the state. This subsection
565 supersedes any local government ordinances, resolutions, or any
566 other local regulations, including local moratoriums, on matters
567 covered under this subsection.

568 (q) If an action is filed against a local government to
569 challenge the adoption or enforcement of a local ordinance,
570 resolution, or other local regulation on the grounds that it is
571 expressly preempted by general law under this subsection, the
572 court shall expedite the proceeding and render a decision within
573 30 days after service of process. Notice of appeal shall be
574 filed and served within 30 days after the rendition of the
575 judgment appealed from. The Supreme Court shall adopt rules by

October 1, 2025, to ensure the proceedings are handled
expeditiously and in a manner consistent with this subsection.

(r)~~(1)~~ This subsection expires October 1, 2033.

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

(9) A county's review or approval of an application for a
development permit or development order may not be conditioned
on the:

(a) Waiver, forbearance, acquisition, transfer, or
abandonment of any development right authorized by this section;
or

(b) Procurement or transfer of density units or
development units.

Any such waiver, forbearance, acquisition, transfer,
procurement, or abandonment is void.

601 (10) (a) Beginning June 30, 2026, each county must provide
602 an annual report to the state land planning agency that
603 includes:

604 1. All litigation initiated under subsection (9), the
605 status of the case, and, if applicable, the final disposition.

606 2. All actions the county has taken on any proposed
607 project under this section, including, at minimum, the project
608 size, density, and intensity, and the number of units and the
609 number of affordable units for such proposed project.

610 3. For any proposed development that is denied or not
611 accepted, all actions the county has taken on such proposed
612 development and an explanation for why such actions were taken.

613 (b) The state land planning agency shall provide an annual
614 report to the Governor, the President of the Senate, and the
615 Speaker of the House of Representatives regarding county
616 compliance with this section.

617 (11) A county may not impose a building moratorium that
618 has the effect of delaying the permitting of construction of a
619 multifamily project that would otherwise qualify for:

620 (a) An affordable housing ad valorem tax exemption under
621 s. 196.1978 or s. 196.1979.

622 (b) Any grant loan or other incentive provided for the
623 development of affordable housing under chapter 420.

624 (c) Any abatement of development restrictions under
625 subsection (7).

626 (12) If the owner of an administratively approved proposed
627 development has acted in reliance on that approval, the owner
628 has a vested right to proceed with development under the
629 relevant laws, regulations, and ordinances at the time such
630 rights vested, if the property continues to comply with the
631 requirements of this section.

632 **Section 2. Subsection (11) of section 163.31801, Florida**
633 **Statutes, is amended to read:**

634 163.31801 Impact fees; short title; intent; minimum
635 requirements; audits; challenges.—

636 (11)(a) A county, municipality, or special district may
637 provide an exception or waiver for an impact fee for the
638 development or construction of housing that is affordable, as
639 defined in s. 420.9071. If a county, municipality, or special
640 district provides such an exception or waiver, it is not
641 required to use any revenues to offset the impact.

642 (b) Qualified developments authorized pursuant to s.
643 125.01055 or s. 166.04151 shall receive an exception or waiver
644 for 20 percent of the impact fees for the development of, or
645 construction of the portion of the development that is,
646 affordable housing.

647 **Section 3. Subsection (2) of section 166.041, Florida**
648 **Statutes, is amended to read:**

649 166.041 Procedures for adoption of ordinances and
650 resolutions.—

651 (2) (a) Each ordinance or resolution shall be introduced in
652 writing and shall embrace but one subject and matters properly
653 connected therewith. The subject shall be clearly stated in the
654 title. No ordinance shall be revised or amended by reference to
655 its title only. Ordinances to revise or amend shall set out in
656 full the revised or amended act or section or subsection or
657 paragraph of a section or subsection.

658 (b) Any ordinance the subject of which designates property
659 as a historic landmark shall require a printed or digital map of
660 such property to be readily available. A municipality shall
661 submit such map to the State Historic Preservation Officer no
662 later than June 1, 2027.

663 (c) Any resolution the subject of which designates the
664 character of privately owned property as a historic landmark
665 without the consent of the property owner shall require a
666 finding by the governing body, based on substantial competent
667 evidence, that the historic significance of the subject property
668 is commensurate, to an equal or greater degree, with property
669 that is already designated as a historic landmark within the
670 municipality.

671 **Section 4. Subsections (1), (6), (7), and (8) of section**
672 **166.04151, Florida Statutes, are amended, and subsections (9)**
673 **through (12) are added to that section, to read:**

674 166.04151 Affordable housing.—

675 (1) Notwithstanding any other provision of law, a

676 municipality may adopt and maintain in effect any law,
677 ordinance, rule, or other measure that is adopted for the
678 purpose of increasing the supply of affordable housing using
679 land use mechanisms such as inclusionary housing or linkage fee
680 ordinances. A municipality may not adopt or enforce any law,
681 ordinance, rule, or other measure that limits or prohibits
682 affordable housing, including, but not limited to, any measure
683 that is adopted for the purpose of limiting the maximum
684 percentage of units within a certain geographic area or within a
685 certain distance from another affordable housing project, or
686 that otherwise prohibits affordable housing in areas zoned for
687 such use.

688 (6) Notwithstanding any other law or local ordinance or
689 regulation to the contrary, the governing body of a municipality
690 may approve the development of housing that is affordable, as
691 defined in s. 420.0004, including, but not limited to, a mixed-
692 use residential development, on any parcel zoned for commercial
693 or industrial use, or on any parcel, including any contiguous
694 parcel connected thereto, that is owned by a religious
695 institution, as defined in s. 170.201(2), that contains a house
696 of public worship, regardless of the underlying zoning, so long
697 as at least 10 percent of the units included in the project are
698 for housing that is affordable. The provisions of this
699 subsection are self-executing and do not require the governing
700 body to adopt an ordinance or a regulation before using the

701 approval process in this subsection.

702 (7)(a) As used in this subsection, regardless of
703 terminology used in a municipality's land development
704 regulations, the term:

705 1. "Allowable density" means the density prescribed for
706 the property without additional requirements to procure and
707 transfer density units or development units from other
708 properties.

709 2. "Allowable use" means the intended uses identified in a
710 municipality's land development regulations which are authorized
711 within a zoning category as a use by right, without the
712 requirement to obtain a variance or waiver. The term does not
713 include uses that are accessory, ancillary, or incidental to the
714 allowable uses or allowed only on a temporary basis.

715 3. "Commercial use" means activities associated with the
716 sale, rental, or distribution of products or the sale or
717 performance of services. The term includes, but is not limited
718 to, retail, office, entertainment, and other for-profit business
719 activities.

720 4. "Industrial use" means activities associated with the
721 manufacture, assembly, processing, or storage of products or the
722 performance of related services.

723 5. "Planned unit development" has the same meaning as in
724 s. 163.3202(5)(b).

725 (b)1.(a) Notwithstanding any other law, local ordinance,

726 or regulation to the contrary, including any local moratorium
727 established after March 29, 2023, a municipality must authorize
728 multifamily and mixed-use residential as allowable uses on any
729 site owned by the municipality, a district school board, or a
730 religious institution as defined in s. 170.201(2), and in any
731 area zoned for commercial, industrial, or mixed use; any planned
732 unit development permitted for commercial, industrial, or mixed
733 use; or any zoning district not zoned solely for use as a
734 single-family home or duplex, if at least 40 percent of the
735 residential units in a proposed multifamily or mixed-use
736 residential development are rental units that, for a period of
737 at least 30 years, are affordable as defined in s. 420.0004. A
738 municipality shall authorize the inclusion of an adjacent parcel
739 of land as part of the multifamily development, regardless of
740 the land use designation of the adjacent parcel, if the
741 residential units to be built on the adjacent parcel comply with
742 the requirements of this subsection.

743 2. Notwithstanding any other law, local ordinance, or
744 regulation to the contrary, a municipality may not require a
745 proposed multifamily or mixed-use residential development to
746 obtain an amendment to a development of regional impact,
747 amendment to a development agreement, or amendment to a
748 restrictive covenant or a zoning or land use change, special
749 exception, conditional use approval, variance, ~~or~~ comprehensive
750 plan amendment, or any other approval for the building height,

zoning, and densities authorized under this subsection.

3. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes. A municipality may not require more than 10 percent of the total square footage to be used for nonresidential purposes.

4. Notwithstanding any local land development regulation categorization or title, areas zoned for mixed use shall be defined as areas that include both residential and nonresidential uses, regardless of whether the residential or nonresidential uses are permitted as principal use, conditional use, ancillary use, special use, unusual use, accessory use, planned unit development, or planned development. Nonresidential use includes, but is not limited to, retail, office, hotel, lodging, civic, institutional, parking, utilities, or other commercial uses.

5. Affordable or workforce units that receive any incentive under subsection (4) also qualify as affordable under this subsection as long as the units satisfy the requirements of s. 420.0004 and the local regulations.

(c) ~~(b)~~ A municipality may not directly restrict or take action that has the effect of restricting the density of a proposed multifamily or mixed-use residential development authorized under this subsection below the highest ~~currently allowed~~ density allowed on or after July 1, 2023, on any land in the municipality where residential development is allowed under

the municipality's land development regulations. For purposes of this paragraph, the term "highest ~~currently allowed~~ density" does not include the density of any building that met the requirements of this subsection or the density of any building that has received any bonus, variance, or other special exception for density provided in the municipality's land development regulations as an incentive for development. For purposes of this paragraph, to "directly restrict" or to "take action that has the effect of restricting" density includes requirements to procure or transfer density units or development units from other properties.

(d) A municipality may not directly restrict or take action that has the effect of restricting the maximum lot size of a proposed multifamily or mixed-use residential development authorized under this paragraph below the largest maximum lot size allowed on or after July 1, 2023, on any land in the municipality where multifamily or mixed-use residential development is allowed pursuant to the municipality's land development regulations. A municipality may not restrict the maximum lot coverage of a proposed multifamily or mixed-use residential development authorized under this paragraph below 70 percent.

(e) ~~(e)~~ A municipality may not directly restrict or take action that has the effect of restricting the floor area ratio of a proposed multifamily or mixed-use residential development

801 authorized under this subsection below 150 percent of the
802 highest ~~currently allowed~~ floor area ratio allowed on or after
803 July 1, 2023, on any land in the municipality where development
804 is allowed under the municipality's land development
805 regulations. For purposes of this paragraph, the term "highest
806 ~~currently allowed~~ floor area ratio" does not include the floor
807 area ratio of any building that met the requirements of this
808 subsection or the floor area ratio of any building that has
809 received any bonus, variance, or other special exception for
810 floor area ratio provided in the municipality's land development
811 regulations as an incentive for development. For purposes of
812 this subsection, the term "floor area ratio" includes floor lot
813 ratio.

814 (f)-(d)1. A municipality may not directly restrict or take
815 action that has the effect of restricting the height of a
816 proposed multifamily or mixed-use residential development
817 authorized under this subsection below the highest ~~currently~~
818 ~~allowed~~ height allowed on or after July 1, 2023, for a
819 commercial or residential building located in its jurisdiction
820 within 1 mile of the proposed development or 3 stories,
821 whichever is higher. For purposes of this paragraph, the term
822 "highest ~~currently allowed~~ height" includes the height of the
823 tallest existing building located in its jurisdiction within 1
824 mile of the proposed development if the existing building
825 exceeds the highest height allowed on or after July 1, 2023.

826 However, the term does not include the height of any building
827 that met the requirements of this subsection or the height of
828 any building that has received any bonus, variance, or other
829 special exception for height provided in the municipality's land
830 development regulations as an incentive for development.

831 2. If the proposed multifamily or mixed-use residential
832 development is adjacent to, on two or more sides, a parcel zoned
833 for single-family residential use that is within a single-family
834 residential development with at least 25 contiguous single-
835 family homes, the municipality may restrict the height of the
836 proposed development to 150 percent of the tallest building on
837 any property adjacent to the proposed development, the highest
838 ~~currently allowed~~ height allowed on or after July 1, 2023, for
839 the property provided in the municipality's land development
840 regulations, or 3 stories, whichever is higher. For the purposes
841 of this paragraph, the term "adjacent to" means those properties
842 sharing more than one point of a property line, but does not
843 include properties separated by a public road.

844 ~~(g)1.(e)~~ A proposed multifamily or mixed-use residential
845 development authorized under this subsection must be
846 administratively approved and ~~no~~ further action or approval by
847 the governing body of the municipality or any quasi-judicial
848 board of the reviewing body is not authorized ~~required~~ if the
849 development satisfies the municipality's land development
850 regulations for multifamily or mixed-use residential

851 developments as of July 1, 2023, in areas zoned for such use,
852 density, intensity, and height, and is otherwise consistent with
853 the comprehensive plan, with the exception of provisions
854 establishing ~~allowable~~ densities, floor area ratios, height, and
855 land use, including mixed-use and minimum nonresidential or
856 commercial floor area requirements. The removal or demolition of
857 an existing structure to be performed as part of the proposed
858 development must also be administratively approved. A proposed
859 development authorized under this subsection must be treated as
860 a conforming use, notwithstanding the municipality's
861 comprehensive plan, future land use designation, or zoning. ~~Such~~
862 ~~land development regulations include, but are not limited to,~~
863 ~~regulations relating to setbacks and parking requirements.~~

864 2. A municipality may not initiate or enforce zoning-in-
865 progress or a building moratorium on a proposed development that
866 is subject to this subsection and for which the municipality has
867 approved the development's preliminary site plan.

868 3. A proposed development located within one-quarter mile
869 of a military installation identified in s. 163.3175(2) may not
870 be administratively approved.

871 4. Each municipality shall maintain on its website a
872 policy containing the zoning map and zoning regulations in
873 effect on July 1, 2023, and the procedures and expectations for
874 administrative approval pursuant to this subsection.

875 (h)-(f)1. A municipality must reduce ~~consider reducing~~

876 parking requirements by at least 20 percent for a proposed
877 development authorized under this subsection, or by 100 percent
878 for structures that are 20,000 square feet or less ~~if the~~
879 ~~development is located within one-quarter mile of a transit~~
880 ~~stop, as defined in the municipality's land development code,~~
881 ~~and the transit stop is accessible from the development.~~

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

885 a. Is located within one-half mile of a major
886 transportation hub that is accessible from the proposed
887 development by safe, pedestrian-friendly means, such as
888 sidewalks, crosswalks, elevated pedestrian or bike paths, or
889 other multimodal design features; or-

890 b. Has available parking within 600 feet of the proposed
891 development which may consist of options such as on-street
892 parking, parking lots, or parking garages available for use by
893 residents of the proposed development. However, a municipality
894 may not require that the available parking compensate for the
895 reduction in parking requirements.

896 3. A municipality must eliminate parking requirements for
897 a proposed mixed-use residential development authorized under
898 this subsection within an area recognized by the municipality as
899 a transit-oriented development or area, as provided in paragraph
900 (j) ~~(h)~~.

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

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

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

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

(k)~~(j)~~1. Nothing in this subsection precludes a municipality from granting a bonus, variance, conditional use, or other special exception to height, density, or floor area

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

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

(l) A municipality 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.

(m) Notwithstanding s. 57.112(6), the prevailing party in a challenge under this subsection is entitled to recover attorney fees and costs, including reasonable appellate attorney fees and costs.

(n) ~~(k)~~ This subsection does not apply to:

1. Airport-impacted areas as provided in s. 333.03.
2. Property defined as recreational and commercial working waterfront in s. 342.201(2)(b) in any area zoned as industrial.

951 (o) After July 1, 2023, if a municipality adopts an
952 ordinance or resolution, or makes any other decision, and such
953 ordinance, resolution, or decision has the effect, either
954 directly or indirectly, of:

955 1. Limiting the height, floor area ratio, or density of a
956 project under this section;

957 2. Unreasonably delaying the development or construction
958 of a project under this section, including, but not limited to,
959 imposing a moratorium;

960 3. Restricting the manner in which affordable units are
961 developed or accessed within a project or regulating the types
962 of units in the project; or

963 4. Restricting or limiting a project under this section in
964 any other way,

965
966 then such ordinance, resolution, or decision shall be deemed
967 preempted. If a property owner files a site plan application
968 under this section with a municipality, the administrative
969 review process must be based only on the land development
970 regulations in effect as of the date of filing the application.

971 (p) The regulation of affordable housing under this
972 subsection is expressly preempted to the state. This subsection
973 supersedes any local government ordinances, resolutions, or any
974 other local regulations, including local moratoriums, on matters
975 covered under this subsection.

976 (g) If an action is filed against a local government to
977 challenge the adoption or enforcement of a local ordinance,
978 resolution, or other local regulation on the grounds that it is
979 expressly preempted by general law under this subsection, the
980 court shall expedite the proceeding and render a decision within
981 30 days after service of process. Notice of appeal shall be
982 filed and served within 30 days from the rendition of the
983 judgment appealed from. The Supreme Court shall adopt rules by
984 October 1, 2025, to ensure the proceedings are handled
985 expeditiously and in a manner consistent with this subsection.

986 (r)~~(1)~~ This subsection expires October 1, 2033.

987 (8) Any development authorized under paragraph (7) (b)
988 ~~(7) (a)~~ must be treated as a conforming use even after the
989 expiration of subsection (7) and the development's affordability
990 period as provided in paragraph (7) (b) ~~(7) (a)~~, notwithstanding
991 the municipality's comprehensive plan, future land use
992 designation, or zoning. If at any point during the development's
993 affordability period the development violates the affordability
994 period requirement provided in paragraph (7) (b) ~~(7) (a)~~, the
995 development must be allowed a reasonable time to cure such
996 violation. If the violation is not cured within a reasonable
997 time, the development must be treated as a nonconforming use.

998 (9) A municipality's review or approval of an application
999 for a development permit or development order may not be
1000 conditioned on the:

1001 (a) Waiver, forbearance, acquisition, transfer, or
1002 abandonment of any development right authorized by this section;
1003 or

1004 (b) Procurement or transfer of density units or
1005 development units.

1006
1007 Any such waiver, forbearance, acquisition, transfer,
1008 procurement, or abandonment is void.

1009 (10) (a) Beginning June 30, 2026, each municipality must
1010 provide an annual report to the state land planning agency that
1011 includes:

1012 1. All litigation initiated under subsection (9), the
1013 status of the case, and, if applicable, the final disposition.

1014 2. All actions the municipality has taken on any proposed
1015 project under this section, including, at minimum, the project
1016 size, density, and intensity, and the number of units and the
1017 number of affordable units for such proposed project.

1018 3. For any proposed development that is denied or not
1019 accepted, all actions the municipality has taken relating to
1020 such proposed development and an explanation for why such
1021 actions were taken.

1022 (b) The state land planning agency shall provide an annual
1023 report to the Governor, the President of the Senate, and the
1024 Speaker of the House of Representatives regarding municipal
1025 compliance with this section.

1026 (11) A municipality may not impose a building moratorium
1027 that has the effect of delaying the permitting of construction
1028 of a multifamily project that would otherwise qualify for:

1029 (a) An affordable housing ad valorem tax exemption under
1030 s. 196.1978 or s. 196.1979.

1031 (b) Any grant loan or other incentive provided for the
1032 development of affordable housing under chapter 420.

1033 (c) Any abatement of development restrictions under
1034 subsection (7).

1035 (12) If the owner of an administratively approved proposed
1036 development has acted in reliance on that approval, the owner
1037 has a vested right to proceed with development under the
1038 relevant laws, regulations, and ordinances at the time such
1039 rights vested, if the property continues to comply with the
1040 requirements of this section.

1041 **Section 5. Subsection (7) is added to section 163.2517,**
1042 **Florida Statutes, to read:**

1043 163.2517 Designation of urban infill and redevelopment
1044 area.—

1045 (7) Notwithstanding any ordinance to the contrary existing
1046 on July 1, 2025, a proposed urban infill development must be
1047 administratively approved, and a comprehensive plan amendment,
1048 rezoning, or variance is not required.

1049 **Section 6. Paragraph (e) of subsection (8) of section**
1050 **163.3167, Florida Statutes, is redesignated as paragraph (f),**

1051 **and paragraph (e) is added to that subsection, to read:**

1052 163.3167 Scope of act.—

1053 (8)

1054 (e) The approval of an increase in height or floor area
1055 ratio in the land development regulations by a local government,
1056 commission, council, or board shall be by ordinance with a
1057 simple majority vote. For purposes of this paragraph, the term
1058 "floor area ratio" includes floor lot area.

1059 **Section 7. Section 163.31771, Florida Statutes, is amended**
1060 **to read:**

1061 163.31771 Accessory dwelling units.—

1062 (1) The Legislature finds that the median price of homes
1063 in this state has increased steadily over the last decade and at
1064 a greater rate of increase than the median income in many urban
1065 areas. The Legislature finds that the cost of rental housing has
1066 also increased steadily and the cost often exceeds an amount
1067 that is affordable to extremely-low-income, very-low-income,
1068 low-income, or moderate-income persons and has resulted in a
1069 critical shortage of affordable rentals in many urban areas in
1070 the state. This shortage of affordable rentals constitutes a
1071 threat to the health, safety, and welfare of the residents of
1072 the state. Therefore, the Legislature finds that it serves an
1073 important public purpose to encourage the permitting of
1074 accessory dwelling units in single-family residential areas in
1075 order to increase the availability of affordable rentals for

extremely-low-income, very-low-income, low-income, or moderate-income persons.

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

(a) "Accessory dwelling unit" means an ancillary or secondary living unit, that has a separate kitchen, bathroom, and sleeping area, existing either within the same structure, or on the same lot, as the primary dwelling unit. The term includes a manufactured home constructed on or after January 1, 2025, which meets the National Manufactured Housing Construction and Safety Standards.

(b) "Affordable rental" means that monthly rent and utilities do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for extremely-low-income, very-low-income, low-income, or moderate-income persons.

(c) "Department" means the Department of Commerce.

(d)~~(g)~~ "Extremely-low-income persons" has the same meaning as in s. 420.0004(9).

(e)~~(e)~~ "Local government" means a county or municipality.

(f)~~(d)~~ "Low-income persons" has the same meaning as in s. 420.0004(11).

(g)~~(e)~~ "Moderate-income persons" has the same meaning as in s. 420.0004(12).

(h)~~(f)~~ "Very-low-income persons" has the same meaning as in s. 420.0004(17).

1101 (3) A local government shall ~~may~~ adopt an ordinance to
1102 allow accessory dwelling units in any area zoned for single-
1103 family residential use. A local government may not directly,
1104 unreasonably increase, or in effect unreasonably increase, the
1105 cost to construct, in effect prohibit the construction of, or
1106 extinguish the ability to otherwise construct an accessory
1107 dwelling unit. Such regulation does not include:

1108 (a) Restrictions on the terms of rentals that do not apply
1109 generally to other housing in the same district or zone.

1110 (b) Parking requirements and minimum lot size requirements
1111 that do not apply general to other housing in the same district
1112 or zone, other lot design regulations that unreasonably increase
1113 the cost to construct or unreasonably extinguish the ability to
1114 construct an accessory dwelling unit on a lot.

1115 (c) Discretionary conditional use permit procedures or
1116 standards that do not apply generally to other housing in the
1117 same district or zone.

1118 ~~(4) An application for a building permit to construct an~~
1119 ~~accessory dwelling unit must include an affidavit from the~~
1120 ~~applicant which attests that the unit will be rented at an~~
1121 ~~affordable rate to an extremely-low-income, very-low-income,~~
1122 ~~low-income, or moderate-income person or persons.~~

1123 (4)(5) Each accessory dwelling unit allowed by an
1124 ordinance adopted under this section applies ~~shall apply~~ toward
1125 satisfying the affordable housing component of the housing

1126 element in the local government's comprehensive plan under s.
1127 163.3177(6) (f) .

1128 (5) (a) Beginning October 1, 2025, and by October 1 every
1129 year thereafter, the local government shall submit an annual
1130 report to the department, in a form and manner prescribed by the
1131 department, and post publicly on its website, the following
1132 information for the previous fiscal year:

1133 1. The number of applications to construct new accessory
1134 dwelling units, the number of new accessory dwelling units that
1135 have been approved, and the number of new accessory dwelling
1136 units that have been denied, and the reason for denial.

1137 2. The number of allowable accessory dwelling units
1138 located in the jurisdiction, the number of accessory dwelling
1139 units, attached or unattached, which are not allowed by an
1140 ordinance, and the number of single-family homes in a zoning
1141 district in which accessory dwelling units are allowed by an
1142 ordinance.

1143 (b) The department may adopt rules to administer and
1144 enforce this subsection.

1145 (6) (a) The owner of property with an accessory dwelling
1146 unit may not be denied a homestead exemption or homestead
1147 property assessment limitation solely on the basis of the
1148 property containing an accessory dwelling unit which may be
1149 rented.

1150 (b) If the accessory dwelling unit is rented by the

1151 property owner:

1152 1. The assessment of the accessory dwelling unit must be
1153 separated from the homestead property.

1154 2. It may not be construed as an abandonment of the
1155 dwelling previously claimed to be a homestead under s. 196.061,
1156 provided such dwelling is physically occupied by the owner.

1157 (c) If the accessory dwelling unit is not rented by the
1158 property owner, the assessment of the accessory dwelling unit
1159 must be considered part of the homestead property.

1160 **Section 8. Paragraphs (a) and (b) of subsection (1) of**
1161 **section 196.1979, Florida Statutes, are amended to read:**

1162 196.1979 County and municipal affordable housing property
1163 exemption.—

1164 (1)(a) Notwithstanding ss. 196.195 and 196.196, the board
1165 of county commissioners of a county or the governing body of a
1166 municipality may adopt an ordinance to exempt those portions of
1167 property used to provide affordable housing meeting the
1168 requirements of this section. Such property is considered
1169 property used for a charitable purpose. To be eligible for the
1170 exemption, the portions of property:

1171 1. Must be used to house natural persons or families whose
1172 annual household income:

1173 a. Is greater than 30 percent but not more than 60 percent
1174 of the median annual adjusted gross income for households within
1175 the metropolitan statistical area or, if not within a

1176 metropolitan statistical area, within the county where ~~in which~~
1177 the person or family resides; or

1178 b. Does not exceed 30 percent of the median annual
1179 adjusted gross income for households within the metropolitan
1180 statistical area or, if not within a metropolitan statistical
1181 area, within the county where ~~in which~~ the person or family
1182 resides.~~+~~

1183 2.a. Must be within a multifamily project containing at
1184 least the minimum number of residential units as defined by the
1185 county or municipality that adopts an ordinance under this
1186 section; a county or municipality that adopts an ordinance under
1187 this section may set a minimum residential unit threshold that
1188 deems a property eligible for the exemption for properties that
1189 exceed 15,000 square feet, at a minimum of 5 units not to exceed
1190 a minimum of 50 residential units ~~50 or more residential units,~~
1191 ~~at least 20 percent of which are used to provide affordable~~
1192 ~~housing that meets the requirements of this section; or~~

1193 b. Must be an accessory dwelling unit as defined in s.
1194 163.31771(2).

1195 3. Must be rented for an amount no greater than the amount
1196 as specified by the most recent multifamily rental programs
1197 income and rent limit chart posted by the corporation and
1198 derived from the Multifamily Tax Subsidy Projects Income Limits
1199 published by the United States Department of Housing and Urban
1200 Development or 90 percent of the fair market value rent as

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determined by a rental market study meeting the requirements of subsection (4), whichever is less.+

4. May not have been cited for code violations on three or more occasions in the 24 months before the submission of a tax exemption application.+

5. May not have any cited code violations that have not been properly remedied by the property owner before the submission of a tax exemption application.+~~and~~

6. May not have any unpaid fines or charges relating to the cited code violations. Payment of unpaid fines or charges before a final determination on a property's qualification for an exemption under this section will not exclude such property from eligibility if the property otherwise complies with all other requirements for the exemption.

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

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

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

section.

3. Up to 100 percent of the assessed value of the accessory dwelling unit if the unit is used to provide affordable housing meeting the requirements of this section.

Section 9. Subsection (5) of section 333.03, Florida Statutes, is amended to read:

333.03 Requirement to adopt airport zoning regulations.—

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

(a) A proposed development ~~near a runway~~ within one-quarter of a mile laterally from the runway edge and within an area that is the width of one-quarter of a mile extending at right angles from the end of the runway for a distance of 10,000 feet of any runway for an existing commercial service airport ~~runway~~ or planned commercial service airport runway identified in the local government's airport master plan. As used in this paragraph, the term "commercial service airport" has the same meaning as in s. 332.0075(1).

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

(c) A proposed development that exceeds maximum height restrictions identified in the political subdivision's airport zoning regulation for a commercial service airport adopted

pursuant to this section.

Section 10. Paragraph (d) of subsection (1) of section 420.50871, Florida Statutes, is amended, and paragraph (e) is added to subsection (1) of that section, to read:

420.50871 Allocation of increased revenues derived from amendments to s. 201.15 made by ch. 2023-17.—Funds that result from increased revenues to the State Housing Trust Fund derived from amendments made to s. 201.15 made by chapter 2023-17, Laws of Florida, must be used annually for projects under the State Apartment Incentive Loan Program under s. 420.5087 as set forth in this section, notwithstanding ss. 420.507(48) and (50) and 420.5087(1) and (3). The Legislature intends for these funds to provide for innovative projects that provide affordable and attainable housing for persons and families working, going to school, or living in this state. Projects approved under this section are intended to provide housing that is affordable as defined in s. 420.0004, notwithstanding the income limitations in s. 420.5087(2). Beginning in the 2023-2024 fiscal year and annually for 10 years thereafter:

(1) The corporation shall allocate 70 percent of the funds provided by this section to issue competitive requests for application for the affordable housing project purposes specified in this subsection. The corporation shall finance projects that:

(d) Provide housing near military installations and United

States Department of Veterans Affairs medical centers or
outpatient clinics 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.

(e) Provide housing in areas of critical housing shortage
for essential service and high-demand career employees through a
public-private housing partnership agreement with major public
and private sector employers for whom housing shortages are
affecting the recruitment and retention of workers. Public and
private sector employers that partner with developers on these
projects shall provide land and financial support for the
housing projects. Housing may not be exclusive to any specific
employee group.

**Section 11. Section 702.13, Florida Statutes, is created
to read:**

702.13 Expedited foreclosure proceedings for abandoned
real property.-

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

(a) "Abandoned real property" means residential real
property that a homeowner does not continue to occupancy or use,
and at least three of the following indications of abandonment
are met:

1. Furnishings and personal items consistent with

1301 residential occupancy are not present on the property;

1302 2. Public utility services, such as gas, electric, or
1303 water utilities, are disconnected;

1304 3. Windows on the property are boarded up or closed off;
1305 smashed, broken, or unhinged; or window panes are broken and
1306 unrepaired;

1307 4. Statements are provided by neighbors, delivery agents,
1308 or government employees that the property is vacant;

1309 5. Doors on the property are substantially damaged,
1310 broken, unhinged, or conspicuously open;

1311 6. The property is stripped of copper or any other
1312 nonferrous metal, including, but not limited to, copper, copper
1313 alloy, brass, aluminum, bronze, lead, zinc, nickel, and alloys
1314 thereof, or any interior fixtures are removed;

1315 7. At least one report has been received by law
1316 enforcement officials of trespassing, vandalism, or other
1317 illegal activity on the property within the immediately
1318 preceding 6 months;

1319 8. The property has been declared unfit for occupancy and
1320 ordered to remain vacant and unoccupied under an order issued by
1321 a municipal authority or county authority, or by a court of
1322 competent jurisdiction;

1323 9. Construction has been initiated on the property but is
1324 discontinued before completion, leaving the property unsuitable
1325 for occupancy, and construction has not taken place for at least

1326 12 months;

1327 10. Newspapers, circulars, flyers, or mail has accumulated
1328 on the property or the United States Postal Service has
1329 discontinued delivery to the property;

1330 11. Rubbish, trash, debris, neglected vegetation, or
1331 natural overgrowth has accumulated on the property;

1332 12. Hazardous, noxious, or unhealthy substances or
1333 materials have accumulated on the property;

1334 13. The homeowner or a representative for the property
1335 cannot be reached after a credible attempt to communicate; or

1336 14. Other credible indications exist indicating that the
1337 homeowner has vacated and abandoned the property.

1338 (b) "Claimant" means a person or entity claiming a legal
1339 right to initiate a foreclosure action, including:

1340 1. A mortgagee as defined in s. 701.041.

1341 2. A tax lienholder or a tax certificate holder pursuant
1342 to chapter 197.

1343 3. A homeowners' association or a condominium association
1344 enforcing a lien pursuant to s. 718.116 or s. 720.3085.

1345 4. A county, municipality, or other governmental entity
1346 enforcing a lien for:

1347 a. Code violations pursuant to chapter 162.

1348 b. Utility services pursuant to chapter 159 or local
1349 ordinance.

1350 c. Environmental cleanup pursuant to chapters 376 and 403.

1351 d. Special assessments pursuant to chapters 170 and 197.
1352 5. A mechanic or laborer enforcing a lien under part II
1353 of chapter 713.

1354 6. A judgment lienholder pursuant to chapter 55.

1355 7. State tax authorities enforcing a lien pursuant to s.
1356 213.758 or s. 192.091, including a lien for unpaid taxes
1357 administered by the Florida Department of Revenue.

1358 8. Special districts, including, but not limited to,
1359 Community Development Districts, enforcing a lien pursuant to
1360 chapters 189 and 190.

1361 9. Other governmental or quasi-governmental entities,
1362 including water management districts and public hospital boards,
1363 enforcing a lien pursuant to s. 373.503 or s. 154.02.

1364 10. A lienholder authorized to request an order to show
1365 cause for the entry of final judgment in a foreclosure action
1366 pursuant to s. 702.10.

1367 11. Any other person or entity authorized by general law
1368 to initiate a foreclosure action or enforce a lien against real
1369 property.

1370 (c) "Delinquent party" means the person or entity against
1371 whom a foreclosure action has been initiated, including, but not
1372 limited to, a person or entity in arrears or default under the
1373 terms of a lien, a mortgage, or any other obligation.

1374 (d) "Mortgagor" has the same meaning as in s.
1375 701.041(1) (d).

1376 (e) "Real property" has the same meaning as in s. 475.801.

1377 (2)(a) In a foreclosure proceeding under this chapter
1378 involving residential real property, the claimant may file a
1379 motion with the trial court for a judicial determination that
1380 the residential real property is abandoned real property. The
1381 claimant must file a sworn affidavit with the trial court
1382 attesting that the residential real property is "abandoned real
1383 property," as defined in subsection (1), and any other relevant
1384 documentation, including photographic documentation.

1385 (b) Upon filing of the motion, the trial court shall set
1386 the date and time for a hearing on the motion, which must be
1387 conducted at least 15 days but no more than 25 days after the
1388 filing of the motion.

1389 (3)(a) The claimant shall give written notice to the
1390 homeowner and to each known delinquent party. Notice shall be
1391 promptly delivered or sent pursuant to s. 715.104(3) to the last
1392 known mailing address of the homeowner and to each known
1393 delinquent party. In addition, notice shall be sent to the last
1394 known e-mail address of the homeowner and to each known
1395 delinquent party, and shall be given by telephone communication
1396 to the last known telephone number of the homeowner and each
1397 known delinquent party. Notice under this paragraph must include
1398 the following information:

1399 1. State that a motion has been filed with the trial court
1400 to make a judicial determination as to whether the residential

1401 real property is abandoned real property and that a hearing
1402 regarding the motion has been set.

1403 2. State the contact information of the trial court to
1404 which the motion was filed and the date and location of the
1405 hearing on the motion.

1406 3. State the definition of abandoned real property
1407 pursuant to subsection (1).

1408 4. State the possible outcomes if the court makes a
1409 judicial determination that the residential real property is
1410 abandoned real property, including the possibility of an
1411 expeditious foreclosure on the property.

1412 5. State that the homeowner or delinquent party has the
1413 right to file an affidavit attesting to legal residence at the
1414 property, or any other documentation of legal residence at the
1415 property, at the time of the hearing and may appear personally
1416 or by way of an attorney at the hearing.

1417 6. State that a mortgagor, lawful occupant, or adverse
1418 possessor of the residential real property under s. 95.18 may
1419 contact the trial court for information about the motion and
1420 hearing or to object on the record to the motion.

1421 7. Provide copies of the motion and any documentation in
1422 support of the motion, including photographic and other relevant
1423 documentation.

1424 (b) The claimant shall conspicuously post on the
1425 residential real property a notice printed in at least 12-point

1426 uppercase and boldfaced type. The notice must state the
1427 information in paragraph (a)1.-6. The claimant shall file with
1428 the trial court photographic documentation of compliance with
1429 this paragraph after posting the notice on the residential real
1430 property.

1431 (4) (a) At the hearing on the motion, if the trial court
1432 finds by a preponderance of the evidence that the residential
1433 real property is abandoned real property, the court shall render
1434 a declaratory judgment in favor of the claimant and immediately
1435 proceed to a trial of foreclosure pursuant to this chapter.

1436 (b) If the trial court finds at the foreclosure trial that
1437 the abandoned real property meets all requirements necessary to
1438 enter a judgement of foreclosure pursuant to s. 702.036, the
1439 court must promptly order the clerk to schedule a public sale of
1440 the abandoned real property pursuant to s. 45.031.

1441 (5) (a) If a mortgagor, a lawful occupant, or a person
1442 claiming adverse possession pursuant to s. 95.18 objects to the
1443 trial court's judicial determination under subsection(4) (a) and
1444 submits the appropriate documentation with the court, the court
1445 may not enter a declaratory judgment in favor of the claimant.

1446 (b) If, before the sale of the abandoned real property
1447 pursuant to subsection (4) (b), a mortgagor, a lawful occupant,
1448 or a person claiming adverse possession pursuant to s. 95.18
1449 presents sufficient evidence to the court that the property is
1450 not abandoned real property, the court shall rescind the orders

1451 it issued pursuant to subsection (4)(a) and (b).

1452 (6)(a) This section applies to residential real property
1453 that is abandoned. Residential real property is abandoned if:

1454 1. The homeowner or delinquent party delivers a written,
1455 signed statement declaring the residential real property to be
1456 abandoned; or

1457 2. The residential real property is considered "abandoned
1458 real property," as defined in subsection (1).

1459 (b) This section does not apply to residential real
1460 property that is:

1461 1. Subject to an action to quiet title pursuant to s.
1462 65.011, s. 65.021, s. 65.061, or s. 65.071.

1463 2. Subject to a probate action pursuant to chapter 733.

1464 3. The subject of any other litigation where the ownership
1465 of the property is actively disputed.

1466 4. An unoccupied dwelling or building undergoing
1467 construction, renovation, or any other manner of rehabilitation,
1468 which complies with all applicable state and local permitting
1469 requirements and regulations.

1470 **Section 12. Subsection (8) of section 760.22, Florida**
1471 **Statutes, is amended to read:**

1472 760.22 Definitions.—As used in ss. 760.20–760.37, the
1473 term:

1474 (8) "Person" includes one or more individuals,
1475 corporations, partnerships, associations, labor organizations,

1476 legal representatives, mutual companies, joint-stock companies,
1477 trusts, unincorporated organizations, trustees, trustees in
1478 bankruptcy, receivers, and fiduciaries, and any other legal or
1479 commercial entity; the state; or any governmental entity or
1480 agency.

1481 **Section 13. Section 760.26, Florida Statutes, is amended**
1482 **to read:**

1483 760.26 Prohibited discrimination in land use decisions and
1484 in permitting of development.—It is unlawful to discriminate in
1485 land use decisions or in the permitting of development based on
1486 race, color, national origin, sex, disability, familial status,
1487 religion, or, except as otherwise provided by law, the source of
1488 financing of a development or proposed development or based on
1489 the development or proposed development being affordable housing
1490 as defined under s. 420.0004(3).

1491 **Section 14. It is the intent of the Legislature that the**
1492 **amendment to s. 760.26, Florida Statutes, is remedial and**
1493 **clarifying in nature, and shall apply retroactively for any**
1494 **causes of action filed on or before the effective date of the**
1495 **passage of this act.**

1496 **Section 15. Subsection (4) of section 760.35, Florida**
1497 **Statutes, is amended to read:**

1498 760.35 Civil actions and relief; administrative
1499 procedures.—

1500 (4) If the court finds that a person has committed a

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discriminatory housing practice ~~has occurred~~, it shall issue an order prohibiting the practice and providing affirmative relief from the effects of the practice, including injunctive and other equitable relief, actual and punitive damages, and reasonable attorney fees and costs. In accordance with s. 13, Art. X of the State Constitution, the state, for itself and its agencies or political subdivisions, waives sovereign immunity for causes of action based on the application of this section.

Section 16. Subsection (29) of section 479.01, Florida Statutes, is amended to read:

479.01 Definitions.—As used in this chapter, the term:
 (29) "Zoning category" means the designation under the land development regulations or other similar ordinance enacted to regulate the use of land as provided in s. 163.3202(2)(c) ~~s. 163.3202(2)(b)~~, which designation sets forth the allowable uses, restrictions, and limitations on use applicable to properties within the category.

Section 17. Subsection (12) of section 1001.43, Florida Statutes, is amended to read:

1001.43 Supplemental powers and duties of district school board.—The district school board may exercise the following supplemental powers and duties as authorized by this code or State Board of Education rule.

(12) AFFORDABLE HOUSING.—Notwithstanding any other provision of this section to the contrary, each ~~a~~ district

1526 school board shall:

1527 (a) ~~may~~ Use portions of school sites purchased within the
1528 guidelines of the State Requirements for Educational Facilities,
1529 land deemed not usable for educational purposes because of
1530 location or other factors, or land declared as surplus by the
1531 board ~~to provide sites for affordable housing for teachers and~~
1532 ~~other district personnel and, in areas of critical state~~
1533 ~~concern, for other essential services personnel as defined by~~
1534 ~~local affordable housing eligibility requirements, independently~~
1535 ~~or in conjunction with other agencies as described in subsection~~
1536 ~~(5).~~

1537 (b) Adopt best practices for surplus land programs,
1538 including, but not limited to:

1539 1. Establishing eligibility criteria for the receipt or
1540 purchase of surplus land by developers.

1541 2. Making the process for requesting surplus lands
1542 publicly available.

1543 3. Ensuring long-term affordability through ground leases
1544 by retaining the right of first refusal to purchase property
1545 that would be sold or offered at market rate and by requiring
1546 reversion of property not used for affordable housing within a
1547 certain timeframe.

1548
1549 Each district school board's most recent and all future
1550 educational plan surveys conducted pursuant to s. 235.15 shall

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1551 be updated to include an inventory list of such surplus lands.

1552 **Section 18.** This act shall take effect July 1, 2025.

Amendment No. 5

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 _____

Committee/Subcommittee hearing bill: Housing, Agriculture &
 Tourism Subcommittee

Representative Lopez, V. offered the following:

Amendment (with title amendment)

Remove lines 1361-1654 and insert:

**Section 11. Subsection (5) of section 333.03, Florida
 Statutes, is amended to read:**

333.03 Requirement to adopt airport zoning regulations.—

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

(a) A proposed development ~~near a runway~~ within one-
 quarter of a mile laterally from the runway edge and within an
 area that is the width of one-quarter of a mile extending at
 right angles from the end of the runway for a distance of 10,000
 feet of any runway for an existing commercial service airport

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Amendment No. 5

17 ~~runway~~ or planned commercial service airport runway identified
18 in the local government's airport master plan. As used in this
19 paragraph, the term "commercial service airport" has the same
20 meaning as in s. 332.0075(1).

21 (b) A proposed development within any airport noise zone
22 identified in the federal land use compatibility table or in a
23 land-use zoning or airport noise regulation adopted by the local
24 government for a commercial service airport.

25 (c) A proposed development that exceeds maximum height
26 restrictions identified in the political subdivision's airport
27 zoning regulation for a commercial service airport adopted
28 pursuant to this section.

29 **Section 12. Paragraph (d) of subsection (1) of section**
30 **420.50871, Florida Statutes, is amended, and paragraph (e) is**
31 **added to subsection (1) of that section, to read:**

32 420.50871 Allocation of increased revenues derived from
33 amendments to s. 201.15 made by ch. 2023-17.—Funds that result
34 from increased revenues to the State Housing Trust Fund derived
35 from amendments made to s. 201.15 made by chapter 2023-17, Laws
36 of Florida, must be used annually for projects under the State
37 Apartment Incentive Loan Program under s. 420.5087 as set forth
38 in this section, notwithstanding ss. 420.507(48) and (50) and
39 420.5087(1) and (3). The Legislature intends for these funds to
40 provide for innovative projects that provide affordable and
41 attainable housing for persons and families working, going to

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42 school, or living in this state. Projects approved under this
43 section are intended to provide housing that is affordable as
44 defined in s. 420.0004, notwithstanding the income limitations
45 in s. 420.5087(2). Beginning in the 2023-2024 fiscal year and
46 annually for 10 years thereafter:

47 (1) The corporation shall allocate 70 percent of the funds
48 provided by this section to issue competitive requests for
49 application for the affordable housing project purposes
50 specified in this subsection. The corporation shall finance
51 projects that:

52 (d) Provide housing near military installations and United
53 States Department of Veterans Affairs medical centers or
54 outpatient clinics in this state, with preference given to
55 projects that incorporate critical services for servicemembers,
56 their families, and veterans, such as mental health treatment
57 services, employment services, and assistance with transition
58 from active-duty service to civilian life.

59 (e) Provide housing in areas of critical housing shortage
60 for essential service and high-demand career employees through a
61 public-private housing partnership agreement with major public
62 and private sector employers for whom housing shortages are
63 affecting the recruitment and retention of workers. Public and
64 private sector employers that partner with developers on these
65 projects shall provide land and financial support for the
66 housing projects. Housing may not be exclusive to any specific

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67 employee group.

68 **Section 13. Section 702.13, Florida Statutes, is created**
69 **to read:**

70 702.13 Expedited foreclosure proceedings for abandoned
71 real property.-

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

73 (a) "Abandoned real property" means residential real
74 property that a homeowner does not continue to occupancy or use,
75 and at least three of the following indications of abandonment
76 are met:

77 1. Furnishings and personal items consistent with
78 residential occupancy are not present on the property;

79 2. Public utility services, such as gas, electric, or
80 water utilities, are disconnected;

81 3. Windows on the property are boarded up or closed off;
82 smashed, broken, or unhinged; or window panes are broken and
83 unrepaired;

84 4. Statements are provided by neighbors, delivery agents,
85 or government employees that the property is vacant;

86 5. Doors on the property are substantially damaged,
87 broken, unhinged, or conspicuously open;

88 6. The property is stripped of copper or any other
89 nonferrous metal, including, but not limited to, copper, copper
90 alloy, brass, aluminum, bronze, lead, zinc, nickel, and alloys
91 thereof, or any interior fixtures are removed;

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92 7. At least one report has been received by law
93 enforcement officials of trespassing, vandalism, or other
94 illegal activity on the property within the immediately
95 preceding 6 months;

96 8. The property has been declared unfit for occupancy and
97 ordered to remain vacant and unoccupied under an order issued by
98 a municipal authority or county authority, or by a court of
99 competent jurisdiction;

100 9. Construction has been initiated on the property but is
101 discontinued before completion, leaving the property unsuitable
102 for occupancy, and construction has not taken place for at least
103 12 months;

104 10. Newspapers, circulars, flyers, or mail has accumulated
105 on the property or the United States Postal Service has
106 discontinued delivery to the property;

107 11. Rubbish, trash, debris, neglected vegetation, or
108 natural overgrowth has accumulated on the property;

109 12. Hazardous, noxious, or unhealthy substances or
110 materials have accumulated on the property;

111 13. The homeowner or a representative for the property
112 cannot be reached after a credible attempt to communicate; or

113 14. Other credible indications exist indicating that the
114 homeowner has vacated and abandoned the property.

115 (b) "Claimant" means a person or entity claiming a legal
116 right to initiate a foreclosure action, including:

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117 1. A mortgagee as defined in s. 701.041.

118 2. A tax lienholder or a tax certificate holder pursuant
119 to chapter 197.

120 3. A homeowners' association or a condominium association
121 enforcing a lien pursuant to s. 718.116 or s. 720.3085.

122 4. A county, municipality, or other governmental entity
123 enforcing a lien for:

124 a. Code violations pursuant to chapter 162.

125 b. Utility services pursuant to chapter 159 or local
126 ordinance.

127 c. Environmental cleanup pursuant to chapters 376 and 403.

128 d. Special assessments pursuant to chapters 170 and 197.

129 5. A mechanic or laborer enforcing a lien under part II
130 of chapter 713.

131 6. A judgment lienholder pursuant to chapter 55.

132 7. State tax authorities enforcing a lien pursuant to s.
133 213.758 or s. 192.091, including a lien for unpaid taxes
134 administered by the Florida Department of Revenue.

135 8. Special districts, including, but not limited to,
136 Community Development Districts, enforcing a lien pursuant to
137 chapters 189 and 190.

138 9. Other governmental or quasi-governmental entities,
139 including water management districts and public hospital boards,
140 enforcing a lien pursuant to s. 373.503 or s. 154.02.

141 10. A lienholder authorized to request an order to show

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142 cause for the entry of final judgment in a foreclosure action
143 pursuant to s. 702.10.

144 11. Any other person or entity authorized by general law
145 to initiate a foreclosure action or enforce a lien against real
146 property.

147 (c) "Delinquent party" means the person or entity against
148 whom a foreclosure action has been initiated, including, but not
149 limited to, a person or entity in arrears or default under the
150 terms of a lien, a mortgage, or any other obligation.

151 (d) "Mortgagor" has the same meaning as in s.
152 701.041(1) (d).

153 (e) "Real property" has the same meaning as in s. 475.801.

154 (2) (a) In a foreclosure proceeding under this chapter
155 involving residential real property, the claimant may file a
156 motion with the trial court for a judicial determination that
157 the residential real property is abandoned real property. The
158 claimant must file a sworn affidavit with the trial court
159 attesting that the residential real property is "abandoned real
160 property," as defined in subsection (1), and any other relevant
161 documentation, including photographic documentation.

162 (b) Upon filing of the motion, the trial court shall set
163 the date and time for a hearing on the motion, which must be
164 conducted at least 15 days but no more than 25 days after the
165 filing of the motion.

166 (3) (a) The claimant shall give written notice to the

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167 homeowner and to each known delinquent party. Notice shall be
168 promptly delivered or sent pursuant to s. 715.104(3) to the last
169 known mailing address of the homeowner and to each known
170 delinquent party. In addition, notice shall be sent to the last
171 known e-mail address of the homeowner and to each known
172 delinquent party, and shall be given by telephone communication
173 to the last known telephone number of the homeowner and each
174 known delinquent party. Notice under this paragraph must include
175 the following information:

176 1. State that a motion has been filed with the trial court
177 to make a judicial determination as to whether the residential
178 real property is abandoned real property and that a hearing
179 regarding the motion has been set.

180 2. State the contact information of the trial court to
181 which the motion was filed and the date and location of the
182 hearing on the motion.

183 3. State the definition of abandoned real property
184 pursuant to subsection (1).

185 4. State the possible outcomes if the court makes a
186 judicial determination that the residential real property is
187 abandoned real property, including the possibility of an
188 expeditious foreclosure on the property.

189 5. State that the homeowner or delinquent party has the
190 right to file an affidavit attesting to legal residence at the
191 property, or any other documentation of legal residence at the

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192 property, at the time of the hearing and may appear personally
193 or by way of an attorney at the hearing.

194 6. State that a mortgagor, lawful occupant, or adverse
195 possessor of the residential real property under s. 95.18 may
196 contact the trial court for information about the motion and
197 hearing or to object on the record to the motion.

198 7. Provide copies of the motion and any documentation in
199 support of the motion, including photographic and other relevant
200 documentation.

201 (b) The claimant shall conspicuously post on the
202 residential real property a notice printed in at least 12-point
203 uppercase and boldfaced type. The notice must state the
204 information in paragraph (a)1.-6. The claimant shall file with
205 the trial court photographic documentation of compliance with
206 this paragraph after posting the notice on the residential real
207 property.

208 (4)(a) At the hearing on the motion, if the trial court
209 finds by a preponderance of the evidence that the residential
210 real property is abandoned real property, the court shall render
211 a declaratory judgment in favor of the claimant and immediately
212 proceed to a trial of foreclosure pursuant to this chapter.

213 (b) If the trial court finds at the foreclosure trial that
214 the abandoned real property meets all requirements necessary to
215 enter a judgement of foreclosure pursuant to s. 702.036, the
216 court must promptly order the clerk to schedule a public sale of

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the abandoned real property pursuant to s. 45.031.

(5) (a) If a mortgagor, a lawful occupant, or a person claiming adverse possession pursuant to s. 95.18 objects to the trial court's judicial determination under subsection (4) (a) and submits the appropriate documentation with the court, the court may not enter a declaratory judgment in favor of the claimant.

(b) If, before the sale of the abandoned real property pursuant to subsection (4) (b), a mortgagor, a lawful occupant, or a person claiming adverse possession pursuant to s. 95.18 presents sufficient evidence to the court that the property is not abandoned real property, the court shall rescind the orders it issued pursuant to subsection (4) (a) and (b).

(6) (a) This section applies to residential real property that is abandoned. Residential real property is abandoned if:

1. The homeowner or delinquent party delivers a written, signed statement declaring the residential real property to be abandoned; or

2. The residential real property is considered "abandoned real property," as defined in subsection (1).

(b) This section does not apply to residential real property that is:

1. Subject to an action to quiet title pursuant to s. 65.011, s. 65.021, s. 65.061, or s. 65.071.

2. Subject to a probate action pursuant to chapter 733.

3. The subject of any other litigation where the ownership

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of the property is actively disputed.

4. An unoccupied dwelling or building undergoing construction, renovation, or any other manner of rehabilitation, which complies with all applicable state and local permitting requirements and regulations.

Section 14. Subsection (8) of section 760.22, Florida Statutes, is amended to read:

760.22 Definitions.—As used in ss. 760.20-760.37, the term:

(8) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries, and any other legal or commercial entity; the state; or any governmental entity or agency.

Section 15. Section 760.26, Florida Statutes, is amended to read:

760.26 Prohibited discrimination in land use decisions and in permitting of development.—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 based on the development or proposed development being affordable housing

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as defined under s. 420.0004(3).

Section 16. It is the intent of the Legislature that the amendment to s. 760.26, Florida Statutes, is remedial and clarifying in nature, and shall apply retroactively for any causes of action filed on or before the effective date of the passage of this act.

Section 17. Subsection (4) of section 760.35, Florida Statutes, is amended to read:

760.35 Civil actions and relief; administrative procedures.—

(4) If the court finds that a person has committed a discriminatory housing practice ~~has occurred~~, it shall issue an order prohibiting the practice and providing affirmative relief from the effects of the practice, including injunctive and other equitable relief, actual and punitive damages, and reasonable attorney fees and costs. In accordance with s. 13, Art. X of the State Constitution, the state, for itself and its agencies or political subdivisions, waives sovereign immunity for causes of action based on the application of this section.

Section 18. Subsection (29) of section 479.01, Florida Statutes, is amended to read:

479.01 Definitions.—As used in this chapter, the term:

(29) "Zoning category" means the designation under the land development regulations or other similar ordinance enacted to regulate the use of land as provided in s. 163.3202(2)(c) ~~s.~~

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292 ~~163.3202(2)(b)~~, which designation sets forth the allowable uses,
293 restrictions, and limitations on use applicable to properties
294 within the category.

295 **Section 19.9. Subsection (12) of section 1001.43, Florida**
296 **Statutes, is amended to read:**

297 1001.43 Supplemental powers and duties of district school
298 board.—The district school board shall ~~may~~ exercise the
299 following supplemental powers and duties as authorized by this
300 code or State Board of Education rule.

301 (12) AFFORDABLE HOUSING.—

302 (a) A district school board shall ~~may~~ use portions of
303 school sites purchased within the guidelines of the State
304 Requirements for Educational Facilities, land deemed not usable
305 for educational purposes because of location or other factors,
306 or land declared as surplus by the board ~~to provide sites for~~
307 ~~affordable housing for teachers and other district personnel~~
308 ~~and, in areas of critical state concern, for other essential~~
309 ~~services personnel as defined by local affordable housing~~
310 ~~eligibility requirements, independently or in conjunction with~~
311 ~~other agencies as described in subsection (5).~~

312 (b) Each district school board shall adopt best practices
313 for surplus land programs, including, but not limited to:

314 1. Establishing eligibility criteria for the receipt or
315 purchase of surplus land by developers.

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316 2. Making the process for requesting surplus lands
317 publicly available.

318 3. Ensuring long-term affordability through ground leases
319 by retaining the right of first refusal to purchase property
320 that would be sold or offered at market rate and by requiring
321 reversion of property not used for affordable housing within a
322 certain timeframe.

323 4. Each district school board's most recent and all future
324 educational plan surveys conducted pursuant to s. 235.15 shall
325 be updated to include an inventory list of such surplus lands.
326

327 -----
328 **T I T L E A M E N D M E N T**

329 Remove lines 157-167 and insert:
330 instances; providing applicability; amending s.
331 760.22, F.S.; revising the definition of the term
332 "person"; amending s. 760.26, F.S.; prohibiting
333 discrimination in land use decisions and in permitting
334 of development based on a development or proposed
335 development being affordable housing; providing
336 applicability; amending s. 760.35, F.S.; revising
337 provisions relating to the issuance of a court order
338 prohibiting a discriminatory housing practice;
339 providing for waiver of sovereign immunity; amending
340 s. 479.01, F.S.; conforming a cross-reference;

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 943 (2025)

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341 | amending s. 1001.43, F.S.; requiring district school
342 | boards to exercise specified supplemental powers and
343 | duties as it related to affordable housing; providing
344 | an effective date.

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By Senator Calatayud

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A bill to be entitled
An act relating to affordable housing; amending ss.
125.01055 and 166.04151, F.S.; requiring counties and
municipalities, respectively, to authorize multifamily
and mixed-use residential as allowable uses in
portions of flexibly zoned areas under certain
circumstances; prohibiting counties and municipalities
from imposing certain requirements on proposed
multifamily developments; prohibiting counties and
municipalities from requiring that more than a
specified percentage of a mixed-use residential
project be used for certain purposes; revising the
height below which counties and municipalities may not
restrict certain developments; requiring the
administrative approval of certain proposed
developments without further action by a quasi-
judicial or administrative board or reviewing body
under certain circumstances; requiring counties and
municipalities to reduce parking requirements by at
least a specified percentage for certain proposed
developments under certain circumstances; requiring a
court to give priority to and render expeditious
decisions in certain civil actions; requiring a court
to award reasonable attorney fees and costs and
damages to a prevailing plaintiff in certain civil
actions; providing that such attorney fees or costs
and damages may not exceed a specified dollar amount;
prohibiting the prevailing plaintiff from recovering
certain other fees or costs; defining terms;

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prohibiting counties and municipalities from imposing certain building moratoriums; providing an exception, subject to certain requirements; authorizing applicants for certain proposed developments to notify the county or municipality, as applicable, by a specified date of its intent to proceed under certain provisions; requiring counties and municipalities to allow certain applicants to submit revised applications, written requests, and notices of intent to account for changes made by the act; amending s. 380.0552, F.S.; revising the maximum hurricane evacuation clearance time for permanent residents, which time is an element for which amendments to local comprehensive plans in the Florida Keys Area must be reviewed for compliance; providing legislative intent; creating s. 420.5098, F.S.; providing legislative findings and intent; defining terms; providing that it is the policy of the state to support housing for certain employees and to permit developers in receipt of certain tax credits and funds to create a specified preference for housing certain employees; requiring that such preference conform to certain requirements; amending s. 760.26, F.S.; providing that it is unlawful to discriminate in land use decisions or in the permitting of development based on the specified nature of a development or proposed development; providing an effective date.

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

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59
60 Section 1. Present paragraph (l) of subsection (7) of
61 section 125.01055, Florida Statutes, is redesignated as
62 paragraph (o), a new paragraph (l) and paragraphs (m) and (n)
63 are added to that subsection, subsection (9) is added to that
64 section, and paragraphs (a), (d), (e), and (f) of subsection (7)
65 are amended, to read:

66 125.01055 Affordable housing.—

67 (7)(a) A county must authorize multifamily and mixed-use
68 residential as allowable uses in any area zoned for commercial,
69 industrial, or mixed use, and in portions of any flexibly zoned
70 area such as a planned unit development permitted for
71 commercial, industrial, or mixed use, if at least 40 percent of
72 the residential units in a proposed multifamily development are
73 rental units that, for a period of at least 30 years, are
74 affordable as defined in s. 420.0004. Notwithstanding any other
75 law, local ordinance, or regulation to the contrary, a county
76 may not require a proposed multifamily development to obtain a
77 zoning or land use change, special exception, conditional use
78 approval, variance, transfer of density or development units,
79 amendment to a development of regional impact, amendment to a
80 development agreement, amendment to a restrictive covenant, or
81 comprehensive plan amendment for the building height, zoning,
82 and densities authorized under this subsection. For mixed-use
83 residential projects, at least 65 percent of the total square
84 footage must be used for residential purposes. The county may
85 not require that more than 10 percent of the total square
86 footage of such mixed-use residential projects be used for
87 nonresidential purposes.

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(d) 1. A county may not restrict the height of a proposed development authorized under this subsection below the highest currently allowed, or allowed on July 1, 2023, height for a commercial or residential building located in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher. For purposes of this paragraph, the term "highest currently allowed height" does not include the height of any building that met the requirements of this subsection or the height of any building that has received any bonus, variance, or other special exception for height provided in the county's land development regulations as an incentive for development.

2. If the proposed development is adjacent to, on two or more sides, a parcel zoned for single-family residential use which is within a single-family residential development with at least 25 contiguous single-family homes, the county 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 county'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.

(e) A proposed development authorized under this subsection must be administratively approved without ~~and no~~ further action by the board of county commissioners or any quasi-judicial or administrative board or reviewing body ~~is required~~ if the development satisfies the county's land development regulations

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for multifamily developments in areas zoned for such use and is otherwise consistent with the comprehensive plan, with the exception of provisions establishing allowable densities, floor area ratios, height, and land use. Such land development regulations include, but are not limited to, regulations relating to setbacks and parking requirements. A proposed development located within one-quarter mile of a military installation identified in s. 163.3175(2) may not be administratively approved. Each county shall maintain on its website a policy containing procedures and expectations for administrative approval pursuant to this subsection.

(f)1. A county must, upon request of an applicant, reduce ~~consider reducing~~ parking requirements by at least 20 percent for a proposed development authorized under this subsection if the development:

a. Is located within one-quarter mile of a transit stop, as defined in the county's land development code, and the transit stop is accessible from the development;

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

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

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

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

~~2.3.~~ A county must eliminate parking requirements for a proposed mixed-use residential development authorized under this subsection within an area recognized by the county as a transit-oriented development or area, as provided in paragraph (h).

~~3.4.~~ For purposes of this paragraph, the term "major transportation hub" means any transit station, whether bus, train, or light rail, which is served by public transit with a mix of other transportation options.

(l) The court shall give any civil action filed against a county for a violation of this subsection priority over other pending cases and render a preliminary or final decision as expeditiously as possible.

(m) If a civil action is filed against a county for a violation of this subsection, the court must assess and award reasonable attorney fees and costs and damages to the prevailing plaintiff. An award of reasonable attorney fees or costs and damages pursuant to this subsection may not exceed \$100,000. In addition, a prevailing plaintiff may not recover any attorney fees or costs directly incurred by or associated with litigation to determine an award of reasonable attorney fees or costs.

(n) As used in this subsection, the term:

1. "Commercial use" means activities associated with the sale, rental, or distribution of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as retail sales; wholesale sales; rentals of equipment, goods, or products; offices; restaurants;

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175 food service vendors; sports arenas; theaters; tourist
176 attractions; and other for-profit business activities. A parcel
177 zoned to permit such uses by right without the requirement to
178 obtain a variance or waiver is considered commercial use for the
179 purposes of this section, irrespective of the local land
180 development regulation's listed category or title. The term does
181 not include uses that are accessory, ancillary, incidental to
182 the allowable uses, or allowed only on a temporary basis.
183 Recreational uses, such as golf courses, tennis courts, swimming
184 pools, and clubhouses, within an area designated for residential
185 use are not commercial use, irrespective of how they are
186 operated.

187 2. "Industrial use" means activities associated with the
188 manufacture, assembly, processing, or storage of products or the
189 performance of services related thereto. The term includes, but
190 is not limited to, such uses or activities as automobile
191 manufacturing or repair, boat manufacturing or repair, junk
192 yards, meat packing facilities, citrus processing and packing
193 facilities, produce processing and packing facilities,
194 electrical generating plants, water treatment plants, sewage
195 treatment plants, and solid waste disposal sites. A parcel zoned
196 to permit such uses by right without the requirement to obtain a
197 variance or waiver is considered industrial use for the purposes
198 of this section, irrespective of the local land development
199 regulation's listed category or title. The term does not include
200 uses that are accessory, ancillary, incidental to the allowable
201 uses, or allowed only on a temporary basis. Recreational uses,
202 such as golf courses, tennis courts, swimming pools, and
203 clubhouses, within an area designated for residential use are

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not industrial use, irrespective of how they are operated.

3. "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. The term does not include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not mixed use, irrespective of how they are operated.

4. "Planned unit development" has the same meaning as provided in s. 163.3202(5)(b).

(9)(a) A county may not impose a building moratorium that has the effect of delaying the permitting or construction of a multifamily residential or mixed-use residential development authorized under subsection (7) except as provided in paragraph (b).

(b) A county may, by ordinance, impose such a building moratorium for no more than 90 days in any 3-year period. Before adoption of such a building moratorium, the county shall prepare or cause to be prepared an assessment of the county's need for affordable housing at the extremely-low-income, very-low-income, low-income, or moderate-income limits specified in s. 420.0004, including projections of such need for the next 5 years. This assessment must be posted on the county's website by the date the notice of proposed enactment is published, and presented at the same public meeting at which the proposed ordinance imposing the building moratorium is adopted by the board of county commissioners. This assessment must be included in the business impact estimate for the ordinance imposing such a moratorium

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233 required by s. 125.66(3).

234 (c) If a civil action is filed against a county for a
235 violation of this subsection, the court must assess and award
236 reasonable attorney fees and costs and damages to the prevailing
237 plaintiff. An award of reasonable attorney fees or costs and
238 damages pursuant to this subsection may not exceed \$100,000. In
239 addition, a prevailing plaintiff may not recover any attorney
240 fees or costs directly incurred by or associated with litigation
241 to determine an award of reasonable attorney fees or costs.

242 Section 2. Present paragraph (l) of subsection (7) of
243 section 166.04151, Florida Statutes, is redesignated as
244 paragraph (o), a new paragraph (l) and paragraphs (m) and (n)
245 are added to that subsection, subsection (9) is added to that
246 section, and paragraphs (a), (d), (e), and (f) of subsection (7)
247 are amended, to read:

248 166.04151 Affordable housing.—

249 (7)(a) A municipality must authorize multifamily and mixed-
250 use residential as allowable uses in any area zoned for
251 commercial, industrial, or mixed use, and in portions of any
252 flexibly zoned area such as a planned unit development permitted
253 for commercial, industrial, or mixed use, if at least 40 percent
254 of the residential units in a proposed multifamily development
255 are rental units that, for a period of at least 30 years, are
256 affordable as defined in s. 420.0004. Notwithstanding any other
257 law, local ordinance, or regulation to the contrary, a
258 municipality may not require a proposed multifamily development
259 to obtain a zoning or land use change, special exception,
260 conditional use approval, variance, transfer of density or
261 development units, amendment to a development of regional

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262 impact, amendment to a development agreements, amendment to a
263 restrictive covenant, or comprehensive plan amendment for the
264 building height, zoning, and densities authorized under this
265 subsection. For mixed-use residential projects, at least 65
266 percent of the total square footage must be used for residential
267 purposes. The municipality may not require that more than 10
268 percent of the total square footage of such mixed-use
269 residential projects be used for nonresidential purposes.

270 (d)1. A municipality may not restrict the height of a
271 proposed development authorized under this subsection below the
272 highest currently allowed, or allowed on July 1, 2023, height
273 for a commercial or residential building located in its
274 jurisdiction within 1 mile of the proposed development or 3
275 stories, whichever is higher. For purposes of this paragraph,
276 the term "highest currently allowed height" does not include the
277 height of any building that met the requirements of this
278 subsection or the height of any building that has received any
279 bonus, variance, or other special exception for height provided
280 in the municipality's land development regulations as an
281 incentive for development.

282 2. If the proposed development is adjacent to, on two or
283 more sides, a parcel zoned for single-family residential use
284 that is within a single-family residential development with at
285 least 25 contiguous single-family homes, the municipality may
286 restrict the height of the proposed development to 150 percent
287 of the tallest building on any property adjacent to the proposed
288 development, the highest currently allowed height for the
289 property provided in the municipality's land development
290 regulations, or 3 stories, whichever is higher. For the purposes

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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 or body of water, including man-made lakes or ponds.

(e) A proposed development authorized under this subsection must be administratively approved without ~~and no~~ further action by the governing body of the municipality or any quasi-judicial or administrative board or reviewing body ~~is required~~ if the development satisfies the municipality's land development regulations for multifamily developments in areas zoned for such use and is otherwise consistent with the comprehensive plan, with the exception of provisions establishing allowable densities, floor area ratios, height, and land use. Such land development regulations include, but are not limited to, regulations relating to setbacks and parking requirements. A proposed development located within one-quarter mile of a military installation identified in s. 163.3175(2) may not be administratively approved. Each municipality shall maintain on its website a policy containing procedures and expectations for administrative approval pursuant to this subsection.

(f)1. A municipality must, upon request of an applicant, ~~reduce consider reducing~~ parking requirements for a proposed development authorized under this subsection if the development:

a. Is located within one-quarter mile of a transit stop, as defined in the municipality's land development code, and the transit stop is accessible from the development;~~;~~

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

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320 ~~b.a.~~ Is located within one-half mile of a major
321 transportation hub that is accessible from the proposed
322 development by safe, pedestrian-friendly means, such as
323 sidewalks, crosswalks, elevated pedestrian or bike paths, or
324 other multimodal design features; ~~or.~~

325 ~~c.b.~~ Has available parking within 600 feet of the proposed
326 development which may consist of options such as on-street
327 parking, parking lots, or parking garages available for use by
328 residents of the proposed development. However, a municipality
329 may not require that the available parking compensate for the
330 reduction in parking requirements.

331 ~~2.3.~~ A municipality must eliminate parking requirements for
332 a proposed mixed-use residential development authorized under
333 this subsection within an area recognized by the municipality as
334 a transit-oriented development or area, as provided in paragraph
335 (h).

336 ~~3.4.~~ For purposes of this paragraph, the term "major
337 transportation hub" means any transit station, whether bus,
338 train, or light rail, which is served by public transit with a
339 mix of other transportation options.

340 (1) The court shall give any civil action filed against a
341 municipality for a violation of this subsection priority over
342 other pending cases and render a preliminary or final decision
343 as expeditiously as possible.

344 (m) If a civil action is filed against a municipality for a
345 violation of this subsection, the court must assess and award
346 reasonable attorney fees and costs and damages to the prevailing
347 plaintiff. An award of reasonable attorney fees or costs and
348 damages pursuant to this subsection may not exceed \$100,000. In

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addition, a prevailing plaintiff may not recover any attorney fees or costs directly incurred by or associated with litigation to determine an award of reasonable attorney fees or costs.

(n) As used in this subsection, the term:

1. "Commercial use" means activities associated with the sale, rental, or distribution of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as retail sales; wholesale sales; rentals of equipment, goods, or products; offices; restaurants; food service vendors; sports arenas; theaters; tourist attractions; and other for-profit business activities. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered commercial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not commercial use, irrespective of how they are operated.

2. "Industrial use" means activities associated with the manufacture, assembly, processing, or storage of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as automobile manufacturing or repair, boat manufacturing or repair, junk yards, meat packing facilities, citrus processing and packing facilities, produce processing and packing facilities, electrical generating plants, water treatment plants, sewage

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378 treatment plants, and solid waste disposal sites. A parcel zoned
379 to permit such uses by right without the requirement to obtain a
380 variance or waiver is considered industrial use for the purposes
381 of this section, irrespective of the local land development
382 regulation's listed category or title. The term does not include
383 uses that are accessory, ancillary, incidental to the allowable
384 uses, or allowed only on a temporary basis. Recreational uses,
385 such as golf courses, tennis courts, swimming pools, and
386 clubhouses, within an area designated for residential use are
387 not industrial, irrespective of how they are operated.

388 3. "Mixed-use" means any use that combines multiple types
389 of approved land uses from at least two of the residential use,
390 commercial use, and industrial use categories. The term does not
391 include uses that are accessory, ancillary, incidental to the
392 allowable uses, or allowed only on a temporary basis.
393 Recreational uses, such as golf courses, tennis courts, swimming
394 pools, and clubhouses, within an area designated for residential
395 use are not mixed use, irrespective of how they are operated.

396 4. "Planned unit development" has the same meaning as
397 provided in s. 163.3202(5)(b).

398 (9)(a) A municipality may not impose a building moratorium
399 that has the effect of delaying the permitting or construction
400 of a multifamily residential or mixed-use residential
401 development authorized under subsection (7) except as provided
402 in paragraph (b).

403 (b) A municipality may, by ordinance, impose such a
404 building moratorium for no more than 90 days in any 3-year
405 period. Before adoption of such a building moratorium, the
406 municipality shall prepare or cause to be prepared an assessment

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of the municipality's need for affordable housing at the extremely-low-income, very-low-income, low-income, or moderate-income limits specified in s. 420.0004, including projections of such need for the next 5 years. This assessment must be posted on the municipality's website by the date the notice of proposed enactment is published and must be presented at the same public meeting at which the proposed ordinance imposing the building moratorium is adopted by the governing body of the municipality. This assessment must be included in the business impact estimate for the ordinance imposing such a moratorium required by s. 166.041(4).

(c) If a civil action is filed against a municipality for a violation of this subsection, the court must assess and award reasonable attorney fees and costs and damages to the prevailing plaintiff. An award of reasonable attorney fees or costs and damages pursuant to this subsection may not exceed \$100,000. In addition, a prevailing plaintiff may not recover any attorney fees or costs directly incurred by or associated with litigation to determine an award of reasonable attorney fees or costs.

Section 3. An applicant for a proposed development authorized under s. 125.01055(7), Florida Statutes, or s. 166.04151(7), Florida Statutes, who submitted an application, written request, or notice of intent to use such provisions to the county or municipality and which application, written request, or notice of intent has been received by the county or municipality, as applicable, before July 1, 2025, may notify the county or municipality by July 1, 2025, of its intent to proceed under the provisions of s. 125.01055(7), Florida Statutes, or s. 166.04151(7), Florida Statutes, as they existed at the time of

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436 submittal. A county or municipality, as applicable, shall allow
437 an applicant who submitted such application, written request, or
438 notice of intent before July 1, 2025, the opportunity to submit
439 a revised application, written request, or notice of intent to
440 account for the changes made by this act.

441 Section 4. Paragraph (a) of subsection (9) of section
442 380.0552, Florida Statutes, is amended to read:

443 380.0552 Florida Keys Area; protection and designation as
444 area of critical state concern.—

445 (9) MODIFICATION TO PLANS AND REGULATIONS.—

446 (a) Any land development regulation or element of a local
447 comprehensive plan in the Florida Keys Area may be enacted,
448 amended, or rescinded by a local government, but the enactment,
449 amendment, or rescission becomes effective only upon approval by
450 the state land planning agency. The state land planning agency
451 shall review the proposed change to determine if it is in
452 compliance with the principles for guiding development specified
453 in chapter 27F-8, Florida Administrative Code, as amended
454 effective August 23, 1984, and must approve or reject the
455 requested changes within 60 days after receipt. Amendments to
456 local comprehensive plans in the Florida Keys Area must also be
457 reviewed for compliance with the following:

458 1. Construction schedules and detailed capital financing
459 plans for wastewater management improvements in the annually
460 adopted capital improvements element, and standards for the
461 construction of wastewater treatment and disposal facilities or
462 collection systems that meet or exceed the criteria in s.
463 403.086(11) for wastewater treatment and disposal facilities or
464 s. 381.0065(4)(1) for onsite sewage treatment and disposal

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systems.

2. 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 26 ~~24~~ hours. The hurricane evacuation clearance time shall be determined by a hurricane evacuation study conducted in accordance with a professionally accepted methodology and approved by the state land planning agency. For purposes of hurricane evacuation clearance time:

a. Mobile home residents are not considered permanent residents.

b. The City of Key West Area of Critical State Concern established by chapter 28-36, Florida Administrative Code, shall be included in the hurricane evacuation study and is subject to the evacuation requirements of this subsection.

Section 5. It is the intent of the Legislature that the amendment made by this act to s. 380.0552, Florida Statutes, will accommodate the building of additional developments within the Florida Keys to ameliorate the acute affordable housing and building permit allocation shortage. The Legislature also intends that local governments subject to the hurricane evacuation clearance time restrictions on residential buildings manage growth with a heightened focus on long-term stability and affordable housing for the local workforce.

Section 6. Section 420.5098, Florida Statutes, is created to read:

420.5098 Public sector and hospital employer-sponsored housing policy.—

(1) The Legislature finds that it is in the best interests

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of the state and the state's economy to provide affordable housing to state residents employed by hospitals, health care facilities, and governmental entities in order to attract and maintain the highest quality labor by incentivizing such employers to sponsor affordable housing opportunities. Section 42(g)(9)(B) of the Internal Revenue Code provides that a qualified low-income housing project does not fail to meet the general public use requirement solely because of occupancy restrictions or preferences that favor tenants who are members of a specified group under a state program or policy that supports housing for such specified group. Therefore, it is the intent of the Legislature to establish a policy that supports the development of affordable workforce housing for employees of hospitals, health care facilities, and governmental entities.

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

(a) "Governmental entity" means any state, regional, county, local, or municipal governmental entity of this state, whether executive, judicial, or legislative; any department, division, bureau, commission, authority, or political subdivision of the state; any public school, state university, or Florida College System institution; or any special district as defined in s. 189.012.

(b) "Health care facility" has the same meaning as provided in s. 159.27(16).

(c) "Hospital" means a hospital under chapter 155, a hospital district created pursuant to chapter 189, or a hospital licensed pursuant to chapter 395, including corporations not for profit that are qualified as charitable under s. 501(c)(3) of the Internal Revenue Code and for-profit entities.

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523 (3) It is the policy of the state to support housing for
524 employees of hospitals, health care facilities, and governmental
525 entities and to allow developers in receipt of federal low-
526 income housing tax credits allocated pursuant to s. 420.5099,
527 local or state funds, or other sources of funding available to
528 finance the development of affordable housing to create a
529 preference for housing for such employees. Such preference must
530 conform to the requirements of s. 42(g)(9) of the Internal
531 Revenue Code.

532 Section 7. Section 760.26, Florida Statutes, is amended to
533 read:

534 760.26 Prohibited discrimination in land use decisions and
535 in permitting of development.—It is unlawful to discriminate in
536 land use decisions or in the permitting of development based on
537 race, color, national origin, sex, disability, familial status,
538 religion, or, except as otherwise provided by law, the source of
539 financing of a development or proposed development or the nature
540 of a development or proposed development as affordable housing.

541 Section 8. This act shall take effect July 1, 2025.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/02/2025	.	
	.	
	.	
	.	

The Committee on Community Affairs (Calatayud) recommended the following:

Senate Amendment (with title amendment)

Delete lines 62 - 425
and insert:
paragraph (p), a new paragraph (l) and paragraphs (m), (n), and
(o) are added to that subsection, subsection (9) is added to
that section, and paragraphs (a) through (f) and (k) of
subsection (7) of that section are amended, to read:

125.01055 Affordable housing.—

(7)(a) A county must authorize multifamily and mixed-use



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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, 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. Notwithstanding any other law, local ordinance, or regulation to the contrary, a county may not require a proposed multifamily development to obtain a zoning or land use change, special exception, conditional use approval, variance, transfer of density or development units, amendment to a development of regional impact, or comprehensive plan amendment for the building height, zoning, and densities authorized under this subsection. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes. The county may not require that more than 10 percent of the total square footage of such mixed-use residential projects be used for nonresidential purposes.

(b) A county may not restrict the density of a proposed development authorized under this subsection below the highest currently allowed, or allowed on July 1, 2023, density on any unincorporated land in the county where residential development is allowed under the county's land development regulations. For purposes of this paragraph, the term "highest currently allowed density" does not include the density of any building that met the requirements of this subsection or the density of any building that has received any bonus, variance, or other special exception for density provided in the county's land development



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regulations as an incentive for development.

(c) A county may not restrict the floor area ratio of a proposed development authorized under this subsection below 150 percent of the highest currently allowed, or allowed on July 1, 2023, floor area ratio on any unincorporated land in the county where development is allowed under the county's land development regulations. For purposes of this paragraph, the term "highest currently allowed floor area ratio" does not include the floor area ratio of any building that met the requirements of this subsection or the floor area ratio of any building that has received any bonus, variance, or other special exception for floor area ratio provided in the county's land development regulations as an incentive for development. For purposes of this subsection, the term "floor area ratio" includes floor lot ratio.

(d)1. A county may not restrict the height of a proposed development authorized under this subsection below the highest currently allowed, or allowed on July 1, 2023, height for a commercial or residential building located in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher. For purposes of this paragraph, the term "highest currently allowed height" does not include the height of any building that met the requirements of this subsection or the height of any building that has received any bonus, variance, or other special exception for height provided in the county's land development regulations as an incentive for development.

2. If the proposed development is adjacent to, on two or more sides, a parcel zoned for single-family residential use



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which is within a single-family residential development with at least 25 contiguous single-family homes, the county 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, or allowed on July 1, 2023, height for the property provided in the county's land development regulations, or 3 stories, whichever is higher, but not to exceed 10 stories. 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.

(e) A proposed development authorized under this subsection must be administratively approved without ~~and no~~ further action by the board of county commissioners or any quasi-judicial or administrative board or reviewing body ~~is required~~ if the development satisfies the county's land development regulations for multifamily developments in areas zoned for such use and is otherwise consistent with the comprehensive plan, with the exception of provisions establishing allowable densities, floor area ratios, height, and land use. Such land development regulations include, but are not limited to, regulations relating to setbacks and parking requirements. A proposed development located within one-quarter mile of a military installation identified in s. 163.3175(2) may not be administratively approved. Each county shall maintain on its website a policy containing procedures and expectations for administrative approval pursuant to this subsection.

(f)1. A county must, upon request of an applicant, reduce ~~consider reducing~~ parking requirements by 20 percent for a



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proposed development authorized under this subsection if the development:

a. Is located within one-quarter mile of a transit stop, as defined in the county's land development code, and the transit stop is accessible from the development;

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

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

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

~~2.3.~~ A county must eliminate parking requirements for a proposed mixed-use residential development authorized under this subsection within an area recognized by the county as a transit-oriented development or area, as provided in paragraph (h).

~~3.4.~~ For purposes of this paragraph, the term "major transportation hub" means any transit station, whether bus, train, or light rail, which is served by public transit with a mix of other transportation options.

(k) Notwithstanding any other law or local ordinance or regulation to the contrary, a county may allow an adjacent



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parcel of land to be included within a proposed multifamily development authorized under this subsection.

(1) This subsection does not apply to:

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

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

3. The Wekiva Study Area, as described in s. 369.316.

4. The Everglades Protection Area, as defined in s. 373.4592(2).

(m) The court shall give any civil action filed against a county for a violation of this subsection priority over other pending cases and render a preliminary or final decision as expeditiously as possible.

(n) If a civil action is filed against a county for a violation of this subsection, the court must assess and award reasonable attorney fees and costs to the prevailing party. An award of reasonable attorney fees or costs pursuant to this subsection may not exceed \$200,000. In addition, a prevailing party may not recover any attorney fees or costs directly incurred by or associated with litigation to determine an award of reasonable attorney fees or costs.

(o) As used in this subsection, the term:

1. "Commercial use" means activities associated with the sale, rental, or distribution of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as retail sales; wholesale sales; rentals of equipment, goods, or products; offices; restaurants; food service vendors; sports arenas; theaters; tourist attractions; and other for-profit business activities. A parcel



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zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered commercial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include home-based businesses or cottage food operations undertaken on residential property, uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not commercial use, irrespective of the manner in which they are operated.

2. "Industrial use" means activities associated with the manufacture, assembly, processing, or storage of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as automobile manufacturing or repair, boat manufacturing or repair, junk yards, meat packing facilities, citrus processing and packing facilities, produce processing and packing facilities, electrical generating plants, water treatment plants, sewage treatment plants, and solid waste disposal sites. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered industrial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not industrial use, irrespective of the manner in which they are



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operated.

3. "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. The term does not include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis.

Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not mixed use, irrespective of the manner in which they are operated.

4. "Planned unit development" has the same meaning as provided in s. 163.3202(5)(b).

(9)(a) A county may not impose a building moratorium that has the effect of delaying the permitting or construction of a multifamily residential or mixed-use residential development authorized under subsection (7) except as provided in paragraph (b).

(b) A county may, by ordinance, impose such a building moratorium for no more than 90 days in any 3-year period. Before adoption of such a building moratorium, the county shall prepare or cause to be prepared an assessment of the county's need for affordable housing at the extremely-low-income, very-low-income, low-income, or moderate-income limits specified in s. 420.0004, including projections of such need for the next 5 years. This assessment must be posted on the county's website by the date the notice of proposed enactment is published, and presented at the same public meeting at which the proposed ordinance imposing the building moratorium is adopted by the board of county commissioners. This assessment must be included in the business



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impact estimate for the ordinance imposing such a moratorium
required by s. 125.66(3).

(c) If a civil action is filed against a county for a
violation of this subsection, the court must assess and award
reasonable attorney fees and costs to the prevailing party. An
award of reasonable attorney fees or costs pursuant to this
subsection may not exceed \$200,000. In addition, a prevailing
party may not recover any attorney fees or costs directly
incurred by or associated with litigation to determine an award
of reasonable attorney fees or costs.

(d) This subsection does not apply to moratoria imposed due
to unavailability of public facilities or services or imposed to
address stormwater or flood water management, if such moratoria
apply equally to all types of multifamily or mixed-use
residential development.

Section 2. Present paragraph (l) of subsection (7) of
section 166.04151, Florida Statutes, is redesignated as
paragraph (p), a new paragraph (l) and paragraphs (m), (n), and
(o) are added to that subsection, subsection (9) is added to
that section, and paragraphs (a) through (f) and (k) of
subsection (7) of that section are amended, to read:

166.04151 Affordable housing.—

(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, 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



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affordable as defined in s. 420.0004. Notwithstanding any other law, local ordinance, or regulation to the contrary, a municipality may not require a proposed multifamily development to obtain a zoning or land use change, special exception, conditional use approval, variance, transfer of density or development units, amendment to a development of regional impact, or comprehensive plan amendment for the building height, zoning, and densities authorized under this subsection. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes. The municipality may not require that more than 10 percent of the total square footage of such mixed-use residential projects be used for nonresidential purposes.

(b) A municipality may not restrict the density of a proposed development authorized under this subsection below the highest currently allowed, or allowed on July 1, 2023, density on any land in the municipality where residential development is allowed under the municipality's land development regulations. For purposes of this paragraph, the term "highest currently allowed density" does not include the density of any building that met the requirements of this subsection or the density of any building that has received any bonus, variance, or other special exception for density provided in the municipality's land development regulations as an incentive for development.

(c) A municipality may not restrict the floor area ratio of a proposed development authorized under this subsection below 150 percent of the highest currently allowed, or allowed on July 1, 2023, floor area ratio on any land in the municipality where development is allowed under the municipality's land development



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regulations. For purposes of this paragraph, the term "highest currently allowed floor area ratio" does not include the floor area ratio of any building that met the requirements of this subsection or the floor area ratio of any building that has received any bonus, variance, or other special exception for floor area ratio provided in the municipality's land development regulations as an incentive for development. For purposes of this subsection, the term "floor area ratio" includes floor lot ratio.

(d)1. A municipality may not restrict the height of a proposed development authorized under this subsection below the highest currently allowed, or allowed on July 1, 2023, height for a commercial or residential building located in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher. For purposes of this paragraph, the term "highest currently allowed height" does not include the height of any building that met the requirements of this subsection or the height of any building that has received any bonus, variance, or other special exception for height provided in the municipality's land development regulations as an incentive for development.

2. 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, or allowed on July 1, 2023, height for the property provided in the municipality's



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land development regulations, or 3 stories, whichever is higher, not to exceed 10 stories. 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 or body of water, including man-made lakes or ponds.

(e) A proposed development authorized under this subsection must be administratively approved without ~~and no~~ further action by the governing body of the municipality or any quasi-judicial or administrative board or reviewing body ~~is required~~ if the development satisfies the municipality's land development regulations for multifamily developments in areas zoned for such use and is otherwise consistent with the comprehensive plan, with the exception of provisions establishing allowable densities, floor area ratios, height, and land use. Such land development regulations include, but are not limited to, regulations relating to setbacks and parking requirements. A proposed development located within one-quarter mile of a military installation identified in s. 163.3175(2) may not be administratively approved. Each municipality shall maintain on its website a policy containing procedures and expectations for administrative approval pursuant to this subsection.

(f)1. A municipality must, upon request of an applicant, ~~reduce consider reducing~~ parking requirements for a proposed development authorized under this subsection by 20 percent if the development:

a. Is located within one-quarter mile of a transit stop, as defined in the municipality's land development code, and the transit stop is accessible from the development;~~:-~~



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

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

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

~~2.3.~~ A municipality must eliminate parking requirements for a proposed mixed-use residential development authorized under this subsection within an area recognized by the municipality as a transit-oriented development or area, as provided in paragraph (h).

~~3.4.~~ For purposes of this paragraph, the term "major transportation hub" means any transit station, whether bus, train, or light rail, which is served by public transit with a mix of other transportation options.

(k) Notwithstanding any other law or local ordinance or regulation to the contrary, a municipality may allow an adjacent parcel of land to be included within a proposed multifamily development authorized under this subsection.

(1) This subsection does not apply to:

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



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

3. The Wekiva Study Area, as described in s. 369.316.

4. The Everglades Protection Area, as defined in s. 373.4592(2).

(m) The court shall give any civil action filed against a municipality for a violation of this subsection priority over other pending cases and render a preliminary or final decision as expeditiously as possible.

(n) If a civil action is filed against a municipality for a violation of this subsection, the court must assess and award reasonable attorney fees and costs to the prevailing party. An award of reasonable attorney fees or costs pursuant to this subsection may not exceed \$200,000. In addition, a prevailing party may not recover any attorney fees or costs directly incurred by or associated with litigation to determine an award of reasonable attorney fees or costs.

(o) As used in this subsection, the term:

1. "Commercial use" means activities associated with the sale, rental, or distribution of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as retail sales; wholesale sales; rentals of equipment, goods, or products; offices; restaurants; food service vendors; sports arenas; theaters; tourist attractions; and other for-profit business activities. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered commercial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does



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not include home-based businesses or cottage food operations undertaken on residential property, uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not commercial use, irrespective of the manner in which they are operated.

2. "Industrial use" means activities associated with the manufacture, assembly, processing, or storage of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as automobile manufacturing or repair, boat manufacturing or repair, junk yards, meat packing facilities, citrus processing and packing facilities, produce processing and packing facilities, electrical generating plants, water treatment plants, sewage treatment plants, and solid waste disposal sites. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered industrial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not industrial, irrespective of the manner in which they are operated.

3. "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. The term does not



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include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis.

Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not mixed use, irrespective of the manner in which they are operated.

4. "Planned unit development" has the same meaning as provided in s. 163.3202(5)(b).

(9)(a) A municipality may not impose a building moratorium that has the effect of delaying the permitting or construction of a multifamily residential or mixed-use residential development authorized under subsection (7) except as provided in paragraph (b).

(b) A municipality may, by ordinance, impose such a building moratorium for no more than 90 days in any 3-year period. Before adoption of such a building moratorium, the municipality shall prepare or cause to be prepared an assessment of the municipality's need for affordable housing at the extremely-low-income, very-low-income, low-income, or moderate-income limits specified in s. 420.0004, including projections of such need for the next 5 years. This assessment must be posted on the municipality's website by the date the notice of proposed enactment is published and must be presented at the same public meeting at which the proposed ordinance imposing the building moratorium is adopted by the governing body of the municipality. This assessment must be included in the business impact estimate for the ordinance imposing such a moratorium required by s. 166.041(4).

(c) If a civil action is filed against a municipality for a



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violation of this subsection, the court must assess and award reasonable attorney fees and costs to the prevailing party. An award of reasonable attorney fees or costs pursuant to this subsection may not exceed \$200,000. In addition, a prevailing party may not recover any attorney fees or costs directly incurred by or associated with litigation to determine an award of reasonable attorney fees or costs.

(d) This subsection does not apply to moratoria imposed due to unavailability of public facilities or services or imposed to address stormwater or flood water management, if such moratoria apply equally to all types of multifamily or mixed-use residential development.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 13 - 32
and insert:

density, floor area ratio, or height below which
counties and municipalities may not restrict certain
developments; requiring the administrative approval of
certain proposed developments without further action
by a quasi-judicial or administrative board or
reviewing body under certain circumstances; requiring
counties and municipalities to reduce parking
requirements by a specified percentage for certain
proposed developments under certain circumstances;
requiring counties and municipalities to allow
adjacent parcels of land to be included within certain
proposed developments; revising applicability;



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requiring a court to give priority to and render
expeditious decisions in certain civil actions;
requiring a court to award reasonable attorney fees
and costs to a prevailing party in certain civil
actions; providing that such attorney fees or costs
may not exceed a specified dollar amount; prohibiting
the prevailing party from recovering certain other
fees or costs; defining terms; prohibiting counties
and municipalities from imposing certain building
moratoriums; providing an exception, subject to
certain requirements; providing applicability;
authorizing