

CHAPTER 2024-219

Committee Substitute for Committee Substitute for Senate Bill No. 1456

An act relating to counties designated as areas of critical state concern; amending s. 380.0552, F.S.; adding certain requirements to local comprehensive plans relating to a hurricane evacuation study; amending s. 380.0666, F.S.; revising the powers of the land authority; providing requirements for conveying affordable housing homeownership units; providing lien status prioritization for certain purposes; amending s. 420.9075, F.S.; excluding land designated as an area of critical state concern within a specified timeframe from award requirements made to specified sponsors or persons for the purpose of providing eligible housing as a part of a local housing assistance plan; providing for expiration and retroactive applicability; authorizing counties that have been designated as areas of critical state concern to use specified tourist development tax and tourist impact tax revenue for affordable housing for certain employees; requiring that housing financed with such funds maintain its affordable housing status for a specified timeframe; requiring that the expenditure of certain funds be subject to approval by a majority vote of the board of county commissioners of an eligible county; defining the term “accumulated surplus”; providing an effective date.

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

Section 1. Paragraph (a) of subsection (9) of section 380.0552, Florida Statutes, is amended to read:

380.0552 Florida Keys Area; protection and designation as area of critical state concern.—

(9) MODIFICATION TO PLANS AND REGULATIONS.—

(a) Any land development regulation or element of a local comprehensive plan in the Florida Keys Area may be enacted, amended, or rescinded by a local government, but the enactment, amendment, or rescission becomes effective only upon approval by the state land planning agency. The state land planning agency shall review the proposed change to determine if it is in compliance with the principles for guiding development specified in chapter 27F-8, Florida Administrative Code, as amended effective August 23, 1984, and must approve or reject the requested changes within 60 days after receipt. Amendments to local comprehensive plans in the Florida Keys Area must also be reviewed for compliance with the following:

1. Construction schedules and detailed capital financing plans for wastewater management improvements in the annually adopted capital improvements element, and standards for the construction of wastewater treatment and disposal facilities or collection systems that meet or exceed

the criteria in s. 403.086(11) for wastewater treatment and disposal facilities or s. 381.0065(4)(l) for onsite sewage treatment and disposal 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 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 2. Subsection (14) is added to section 380.0666, Florida Statutes, to read:

380.0666 Powers of land authority.—The land authority shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including the following powers, which are in addition to all other powers granted by other provisions of this act:

(14) For affordable housing homeownership units, to require compliance with the income requirements under paragraph (3)(a) at the time of conveyance each time a unit is conveyed. The original land authority funding or contribution shall be memorialized in a recordable perpetual deed restriction. If the purchase receives state or federal funding and that state or federal funding program requires a priority lien position over the land authority deed restriction, the land authority funding or contribution may be subordinate to a first purchase money mortgage and the state or federal funding lien.

Section 3. Paragraph (g) of subsection (5) of section 420.9075, Florida Statutes, is amended to read:

420.9075 Local housing assistance plans; partnerships.—

(5) The following criteria apply to awards made to eligible sponsors or eligible persons for the purpose of providing eligible housing:

(g)1. All units constructed, rehabilitated, or otherwise assisted with the funds provided from the local housing assistance trust fund must be occupied by very-low-income persons, low-income persons, and moderate-income persons except as otherwise provided in this section.

2.a. At least 30 percent of the funds deposited into the local housing assistance trust fund must be reserved for awards to very-low-income

persons or eligible sponsors who will serve very-low-income persons, and at least an additional 30 percent of the funds deposited into the local housing assistance trust fund must be reserved for awards to low-income persons or eligible sponsors who will serve low-income persons.

b. This subparagraph does not apply to a county or an eligible municipality that includes or has included within the previous 5 years an area of critical state concern designated by the Legislature for which the Legislature has declared its intent to provide affordable housing. This subparagraph expires on July 1, 2029, and applies retroactively.

Section 4. (1) A county that has been designated as an area of critical state concern by law or by action of the Administration Commission pursuant to s. 380.05, Florida Statutes, and that levies a tourist development tax pursuant to s. 125.0104, Florida Statutes, and a tourist impact tax pursuant to s. 125.0108, Florida Statutes, may use any accumulated surplus from such taxes collected through September 30, 2024, not to exceed \$35 million, whether held by the county directly or by a land authority in the county created pursuant to s. 380.0663, Florida Statutes, for the purpose of providing housing that is:

(a) Affordable, as defined in s. 420.0004, Florida Statutes; and

(b) Available to employees of private sector tourism-related businesses in the county.

(2) Any housing financed with funds from the surplus described in subsection (1) may be used only to provide housing that is affordable, as defined in s. 420.0004, Florida Statutes, for a period of no less than 99 years.

(3) Expenditure of such funds is subject to approval by a majority vote of the board of county commissioners for any such county designated as an area of critical state concern.

(4) For purposes of this section, the term “accumulated surplus” means the accumulated excess of revenue over expenditure from prior years which has not been set aside for a specific purpose.

Section 5. This act shall take effect July 1, 2024.

Approved by the Governor May 31, 2024.

Filed in Office Secretary of State May 31, 2024.