

### GROWTH AND ENVIRONMENTAL POLICY HIGHLIGHTS FROM THE 2024 LEGISLATIVE SESSION

The 2024 legislative session is now in full swing, with the legislature considering an unprecedented number of bills that may affect existing land use, development, and environmental laws. This suggests that Florida's steady growth—and the accompanying practical and environmental concerns that come with it—are at the forefront of the policy debate this year. Clients should be aware of the potential changes that could impact their developments. For more information, please [contact us](#).

#### Significant Amendments Proposed to the Recently Enacted Live Local Act

Senate Bill 328 and its companion, House Bill 1239, propose substantial changes to the recently enacted "Live Local Act." The existing Live Local Act is a transformative piece of legislation designed to tackle Florida's affordable and workforce housing shortage. It provides a streamlined administrative approval process for certain proposed developments in areas zoned for commercial, industrial, or mixed use, so long as a certain percentage of units are designated as affordable housing and other requirements are met.

However, the proposed Bills make significant alterations to the existing Live Local Act, and place additional restraints on the administrative approval process. Notably, the Bills would carve out property within a certain proximity to military installations and airport-impacted areas, including properties near smaller executive airports, from using the administrative approval process. These changes have had a significant effect on projects, as the proximity extends far beyond the airport and surrounding property. In addition, Senate Bill 328 decreases the previously granted height allowance if the property is adjacent to single family homes. Finally, Senate Bill 328 requires projects within a transit oriented development or area, as designated by the local government, to be mixed use. There are also certain parking reductions that are now available for projects utilizing the administrative approval process.

The Bills also clarify some of the uncertainties that surround the existing Live Local Act. For example, the existing Act states that a local government may not restrict the density of an otherwise-qualifying affordable housing development below the highest density permitted in the local government's land development regulations, but it is silent as to a local government's power to restrict floor area ratio ("FAR"). The Bills would fill in this gap, including the same limitation on a local government's ability to restrict the FAR of an otherwise-qualifying development. In addition, the Bills clarify that 40% of the units must be affordable rental units, but the other multifamily units could be market rate for sale. Other proposed amendments include language to deem projects utilizing the administrative approval process as a conforming use for the 30-year affordability period and language imposing a 30-day cure period if a violation of the 30-year affordability period is found. Right now, Senate Bill 328 is moving faster and has some different language than House Bill 1239.

We are closely monitoring the progress of both Senate Bill 328 and House Bill 1239, and will continue to provide updates.

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