



## Live Local Act

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The “Live Local Act” (the “Act”) is a comprehensive housing initiative to address Florida’s affordable housing needs through a combination of funding, tax credits, tax exemptions and land use controls to create incentives for affordable housing. A summary of the bill can be found on the Florida League of Cities website ([www.flcities.com](http://www.flcities.com)).

With the Act taking effect on July 1, 2023, we would like to remind our members that in addition to the impact this new legislation has on zoning, land use control and tax exemptions, it also includes certain administrative requirements, effective July 1, 2023. This includes, but is not limited to, the requirement for local governments to **maintain on their website a policy containing procedures and expectations for expedited processing** of those building permits and development orders to be expedited, pursuant to the Act.

The Act does not specify what “expedited” means from a timeliness perspective, nor does it quantify the term (e.g., number of days prior to issuance of a permit, etc.). As such, it is suggested that local governments implement the following procedure for expedited processing requests: Require an applicant, upon submission of the applicable building permit or development order, to notify the applicable local government that he or she is requesting expedited processing and state the statutory basis entitlement for such expedited processing. Upon review, the applicable local government should give higher priority in the processing of building permit and development orders that qualify under the Act.

In addition, the Act imposes the following new requirements as of October 1, 2023:

- Each county (Section 125.379, Florida Statutes) and municipality (Section 166.0451, Florida Statutes) shall prepare an inventory list of all real property within its borders, including property owned by a dependent special district within its borders, that is appropriate for use as affordable housing and make the list publicly available on its website to encourage potential development.
- Counties (Section 125.379(3), F.S.) and municipalities (Section 166.0451(1), F.S.) are encouraged to adopt best practices for surplus land programs, including, but not limited to:
  - Establishing eligibility criteria for the receipt or purchase of surplus land by developers.
  - Making the process for requesting surplus lands publicly available.
  - Ensuring long-term affordability through ground leases by retaining the right of first refusal to purchase property that would be sold or offered at market rate and by requiring reversion of property not used for affordable housing within a certain timeframe.
- The Act imposes several requirements on municipalities regarding zoning, density, dwelling height, parking, etc. (Section 166.04151(7), F.S.).

Finally, starting with the 2024 tax roll (Section 196.1979, F.S.), the Act provides that certain nonprofit entities with land that is used to predominantly provide qualifying housing to low-income individuals are provided with an ad valorem property tax exemption for that land (Sections 196.1978 and 196.1979, F.S.).

