

By the Committee on Budget

576-03616-11

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1                   A bill to be entitled  
2           An act relating to the Florida Housing Finance  
3           Corporation; amending s. 201.15, F.S.; deleting  
4           provisions on the distributions of documentary stamp  
5           tax revenues to the State Housing Trust Fund and the  
6           Local Government Housing Trust Fund; conforming cross-  
7           references; amending ss. 420.0003 and 420.0004, F.S.;  
8           replacing references to the Department of Community  
9           Affairs with Jobs Florida; amending s. 420.0005, F.S.;  
10          providing for the deposit of certain moneys into the  
11          State Housing Trust Fund within the State Treasury;  
12          replacing references to the Secretary of the  
13          Department of Community Affairs with the Commissioner  
14          of Jobs Florida; subjecting expenditures from the  
15          State Housing Fund for administrative and personnel  
16          costs to appropriation by the Legislature; providing  
17          for the interest received on investments of moneys of  
18          the State Housing Fund in excess of the amounts  
19          appropriated for the current fiscal year to be  
20          credited to the General Revenue Fund; amending ss.  
21          420.101, 420.111, 420.36, 420.424, 420.503, 420.504,  
22          and 420.506, F.S.; replacing references to the  
23          Department of Community Affairs with Jobs Florida and  
24          replacing references to the Secretary of the  
25          Department of Community Affairs with the Commissioner  
26          of Jobs Florida; amending s. 420.507, F.S.; providing  
27          for certain moneys to be deposited into the State  
28          Housing Trust Fund; subjecting expenditures of funds  
29          to appropriation by the Legislature; deleting

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30 provisions exempting the corporation from certain  
31 state budgetary requirements; deleting the provision  
32 that authorizes the corporation to retain unused  
33 operational expenditures; amending s. 420.508, F.S.;  
34 providing for the deposit of certain moneys into the  
35 State Housing Trust Fund; providing that expenditures  
36 from the Florida Housing Finance Corporation Fund are  
37 subject to appropriation by the Legislature; amending  
38 s. 420.5087, F.S.; conforming a cross-reference;  
39 requiring that loan repayments and certain proceeds be  
40 accounted for by the corporation and be deposited into  
41 the State Housing Trust Fund; deleting a provision  
42 that prohibits loan repayments and certain proceeds  
43 from reverting to the General Revenue Fund; requiring  
44 that expenditures from the State Apartment Incentive  
45 Loan Fund be subject to appropriation by the  
46 Legislature; authorizing the corporation to seek a  
47 budget amendment to use certain funds for construction  
48 in fiscal years subsequent to the fiscal years for  
49 which the funds were appropriated; requiring the  
50 corporation to account for certain funds and to  
51 deposit them into the State Housing Trust Fund;  
52 requiring the corporation to seek a budget amendment  
53 to transfer funds for its loan loss insurance reserve;  
54 amending s. 420.5088, F.S.; revising provisions  
55 relating to the Florida Homeownership Assistance  
56 Program; requiring the corporation to account for  
57 certain monies deposited into the State Housing Trust  
58 Fund; subjecting expenditures from the Florida

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59 Homeownership Assistance Fund to appropriation by the  
60 Legislature; amending s. 420.5089, F.S.; revising  
61 provisions relating to the HOME Investment Partnership  
62 Program; requiring the corporation to account for  
63 certain monies deposited into the State Housing Trust  
64 Fund; authorizing the corporation to seek a budget  
65 amendment to use certain funds for construction in  
66 fiscal years subsequent to the fiscal years for which  
67 the funds were appropriated; providing for certain  
68 funds to be deposited into the State Housing Trust  
69 Fund; amending s. 420.5091, F.S.; revising provisions  
70 relating to the HOPE Program; providing for the  
71 deposit of certain funds into the State Housing Trust  
72 Fund; amending s. 420.5092, F.S.; revising provisions  
73 relating to the Florida Affordable Housing Guarantee  
74 Program; authorizing certain funds to be used to  
75 support the Florida Affordable Housing Guarantee  
76 Program; conforming cross-references; amending s.  
77 420.5095, F.S.; replacing a reference to the  
78 Department of Community Affairs with Jobs Florida;  
79 amending s. 420.525, F.S.; requiring that expenditures  
80 from the Housing Predevelopment Fund be subject to  
81 appropriation by the Legislature; authorizing the  
82 corporation to seek a budget amendment to use certain  
83 funds for predevelopment activities in fiscal years  
84 subsequent to the fiscal years for which the funds  
85 were appropriated; providing for certain monies to be  
86 accounted by the corporation and deposited into the  
87 State Housing Trust Fund; deleting a provision that

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88 prohibits certain funds, loan repayments, proceeds  
89 from reverting to the General Revenue Fund; amending  
90 ss. 420.526 and 420.529, F.S.; providing for certain  
91 monies to be accounted by the corporation and repaid  
92 to, or deposited into, the State Housing Trust Fund;  
93 amending s. 420.602, F.S.; redefining definitions;  
94 amending ss. 420.606, 420.609, 420.622, and 420.631,  
95 F.S.; replacing references to the Department of  
96 Community Affairs with Jobs Florida and replacing  
97 references to the Secretary of the Department of  
98 Community Affairs with the Commissioner of Jobs  
99 Florida; amending s. 420.9073, F.S.; revising local  
100 housing distribution provisions under the State  
101 Housing Initiatives Partnership Program; amending s.  
102 420.9079, F.S.; providing for the deposit of certain  
103 monies into the Local Government Housing Trust Fund;  
104 providing for the interest on certain investments of  
105 the Local Government Housing Trust Fund to be credited  
106 to the General Revenue Fund; amending s. 201.0205,  
107 F.S.; changing the source of funding for certain local  
108 housing programs; providing an effective date.

109  
110 Be It Enacted by the Legislature of the State of Florida:

111  
112 Section 1. Subsections (9) through (17) of section 201.15,  
113 Florida Statutes, are amended to read:

114 201.15 Distribution of taxes collected.—All taxes collected  
115 under this chapter are subject to the service charge imposed in  
116 s. 215.20(1). Prior to distribution under this section, the

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117 Department of Revenue shall deduct amounts necessary to pay the  
118 costs of the collection and enforcement of the tax levied by  
119 this chapter. Such costs and the service charge may not be  
120 levied against any portion of taxes pledged to debt service on  
121 bonds to the extent that the costs and service charge are  
122 required to pay any amounts relating to the bonds. After  
123 distributions are made pursuant to subsection (1), all of the  
124 costs of the collection and enforcement of the tax levied by  
125 this chapter and the service charge shall be available and  
126 transferred to the extent necessary to pay debt service and any  
127 other amounts payable with respect to bonds authorized before  
128 January 1, 2010, secured by revenues distributed pursuant to  
129 subsection (1). All taxes remaining after deduction of costs and  
130 the service charge shall be distributed as follows:

131 ~~(9) The lesser of 7.53 percent of the remaining taxes or~~  
132 ~~\$107 million in each fiscal year shall be paid into the State~~  
133 ~~Treasury to the credit of the State Housing Trust Fund and used~~  
134 ~~as follows:~~

135 ~~(a) Half of that amount shall be used for the purposes for~~  
136 ~~which the State Housing Trust Fund was created and exists by~~  
137 ~~law.~~

138 ~~(b) Half of that amount shall be paid into the State~~  
139 ~~Treasury to the credit of the Local Government Housing Trust~~  
140 ~~Fund and used for the purposes for which the Local Government~~  
141 ~~Housing Trust Fund was created and exists by law.~~

142 ~~(10) The lesser of 8.66 percent of the remaining taxes or~~  
143 ~~\$136 million in each fiscal year shall be paid into the State~~  
144 ~~Treasury to the credit of the State Housing Trust Fund and used~~  
145 ~~as follows:~~

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146 ~~(a) Twelve and one-half percent of that amount shall be~~  
147 ~~deposited into the State Housing Trust Fund and be expended by~~  
148 ~~the Department of Community Affairs and by the Florida Housing~~  
149 ~~Finance Corporation for the purposes for which the State Housing~~  
150 ~~Trust Fund was created and exists by law.~~

151 ~~(b) Eighty-seven and one-half percent of that amount shall~~  
152 ~~be distributed to the Local Government Housing Trust Fund and~~  
153 ~~used for the purposes for which the Local Government Housing~~  
154 ~~Trust Fund was created and exists by law. Funds from this~~  
155 ~~category may also be used to provide for state and local~~  
156 ~~services to assist the homeless.~~

157 ~~(9)(11)~~ The distribution of proceeds deposited into the  
158 Water Management Lands Trust Fund and the Conservation and  
159 Recreation Lands Trust Fund, pursuant to subsections (4) and  
160 (5), may not be used for land acquisition but may be used for  
161 preacquisition costs associated with land purchases. The  
162 Legislature intends that the Florida Forever program supplant  
163 the acquisition programs formerly authorized under ss. 259.032  
164 and 373.59.

165 ~~(10)(12)~~ Amounts distributed pursuant to subsections (5),  
166 (6), (7), and (8) are subject to the payment of debt service on  
167 outstanding Conservation and Recreation Lands revenue bonds.

168 ~~(11)(13)~~ In each fiscal year that the remaining taxes  
169 exceed collections in the prior fiscal year, the stated maximum  
170 dollar amounts provided in subsections (2), (4), (6), and (7)  
171 ~~(9), and (10)~~ shall each be increased by an amount equal to 10  
172 percent of the increase in the remaining taxes collected under  
173 this chapter multiplied by the applicable percentage provided in  
174 those subsections.

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175        (12)~~(14)~~ If the payment requirements in any year for bonds  
176 outstanding on July 1, 2007, or bonds issued to refund such  
177 bonds, exceed the limitations of this section, distributions to  
178 the trust fund from which the bond payments are made must be  
179 increased to the lesser of the amount needed to pay bond  
180 obligations or the limit of the applicable percentage  
181 distribution provided in subsections (1)-(8) ~~subsections (1)-~~  
182 ~~(10)~~.

183        (13)~~(15)~~ ~~Distributions to the State Housing Trust Fund~~  
184 ~~pursuant to subsections (9) and (10) must be sufficient to cover~~  
185 Amounts required to be transferred to the Florida Affordable  
186 Housing Guarantee Program's annual debt service reserve and  
187 guarantee fund pursuant to s. 420.5092(6)(a) and (b) up to the  
188 amount required to be transferred to such reserve and fund based  
189 on the percentage distribution of documentary stamp tax revenues  
190 to the State Housing Trust Fund which was ~~is~~ in effect in the  
191 2004-2005 fiscal year shall be distributed to the State Housing  
192 Trust Fund.

193        (14)~~(16)~~ If amounts necessary to pay debt service or any  
194 other amounts payable with respect to Preservation 2000 bonds,  
195 Florida Forever bonds, or Everglades Restoration bonds  
196 authorized before January 1, 2010, exceed the amounts  
197 distributable pursuant to subsection (1), all moneys  
198 distributable pursuant to this section are available for such  
199 obligations and transferred in the amounts necessary to pay such  
200 obligations when due. However, amounts distributable pursuant to  
201 subsection (2), subsection (3), subsection (4), subsection (5),  
202 or subsection (13) ~~paragraph (9)(a), or paragraph (10)(a)~~ are  
203 not available to pay such obligations to the extent that such

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204 moneys are necessary to pay debt service on bonds secured by  
205 revenues pursuant to those provisions.

206 (15)~~(17)~~ After the distributions provided in the preceding  
207 subsections, any remaining taxes shall be paid into the State  
208 Treasury to the credit of the General Revenue Fund.

209 Section 2. Paragraph (e) of subsection (3) and subsection  
210 (4) of section 420.0003, Florida Statutes, are amended to read:  
211 420.0003 State housing strategy.-

212 (3) POLICIES.-

213 (e) *Housing production or rehabilitation programs.*-New  
214 programs for housing production or rehabilitation shall be  
215 developed in accordance with the following general guidelines as  
216 appropriate for the purpose of the specific program:

217 1. State and local governments shall provide incentives to  
218 encourage the private sector to be the primary delivery vehicle  
219 for the development of affordable housing.

220 2. State funds should be heavily leveraged to achieve the  
221 maximum local and private commitment of funds while achieving  
222 the program objectives.

223 3. To the maximum extent possible, state funds should be  
224 expended to provide housing units rather than to support program  
225 administration.

226 4. State money should be used, when possible, as loans  
227 rather than grants.

228 5. State funds should be available only to local  
229 governments that provide incentives or financial assistance for  
230 housing.

231 6. State funds should be made available only for projects  
232 that ~~which~~ are consistent with the local government



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233 comprehensive plan.

234         7. State funding for housing should not be made available  
235 to local governments whose comprehensive plans have been found  
236 not in compliance with chapter 163 and who have not entered into  
237 a stipulated settlement agreement with Jobs Florida ~~the~~  
238 ~~Department of Community Affairs~~ to bring the plan into  
239 compliance.

240         8. Mixed income projects should be encouraged, to avoid a  
241 concentration of low-income residents in one area or project.

242         9. Distribution of state housing funds should be flexible  
243 and consider the regional and local needs, resources, and  
244 capabilities of housing producers.

245         10. Income levels used to determine program eligibility  
246 should be adjusted for family size in determining the  
247 eligibility of specific beneficiaries.

248         11. To the maximum extent possible, state-owned lands that  
249 are appropriate for the development of affordable housing shall  
250 be made available for that purpose.

251         (4) IMPLEMENTATION.—Jobs Florida ~~The Department of~~  
252 ~~Community Affairs~~ and the Florida Housing Finance Corporation in  
253 carrying out the strategy articulated herein shall have the  
254 following duties:

255         (a) The fiscal resources of Jobs Florida ~~the Department of~~  
256 ~~Community Affairs~~ shall be directed to achieve the following  
257 programmatic objectives:

258             1. Effective technical assistance and capacity-building  
259 programs shall be established at the state and local levels.

260             2. The Shimberg Center for Affordable Housing at the  
261 University of Florida shall develop and maintain statewide data

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262 on housing needs and production, provide technical assistance  
263 relating to real estate development and finance, operate an  
264 information clearinghouse on housing programs, and coordinate  
265 state housing initiatives with local government and federal  
266 programs.

267 (b) The agency strategic plan of Jobs Florida ~~the~~  
268 ~~Department of Community Affairs~~ shall include specific goals,  
269 objectives, and strategies that implement the housing policies  
270 in this section and shall include the strategic plan for housing  
271 production prepared by the corporation pursuant to s. 420.511.

272 (c) The Shimberg Center for Affordable Housing, in  
273 consultation with Jobs Florida ~~the Department of Community~~  
274 ~~Affairs~~ and the Florida Housing Finance Corporation, shall  
275 review and evaluate existing housing rehabilitation, production,  
276 and finance programs to determine their consistency with  
277 relevant policies in this section and identify the needs of  
278 specific populations, including, but not limited to, elderly and  
279 handicapped persons, and shall recommend statutory modifications  
280 where appropriate. The Shimberg Center for Affordable Housing,  
281 in consultation with Jobs Florida ~~the Department of Community~~  
282 ~~Affairs~~ and the corporation, shall also evaluate the degree of  
283 coordination between state housing programs, and between state,  
284 federal, and local housing activities, and shall recommend  
285 improved program linkages. The recommendations required above  
286 and a report of any programmatic modifications made as a result  
287 of these policies shall be included in the housing report  
288 required by s. 420.6075, beginning December 31, 1991, and every  
289 5 years thereafter.

290 (d) The department and the corporation are anticipated to

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291 conform the administrative rules for each housing program to the  
292 policies stated in this section, provided that such changes in  
293 the rules are consistent with the statutory intent or  
294 requirements for the program. This authority applies only to  
295 programs offering loans, grants, or tax credits and only to the  
296 extent that state policies are consistent with applicable  
297 federal requirements.

298 Section 3. Subsection (6) of section 420.0004, Florida  
299 Statutes, is amended to read:

300 420.0004 Definitions.—As used in this part, unless the  
301 context otherwise indicates:

302 (6) "Department" means Jobs Florida ~~the Department of~~  
303 ~~Community Affairs~~.

304 Section 4. Section 420.0005, Florida Statutes, is amended  
305 to read:

306 420.0005 State Housing Trust Fund; State Housing Fund.—  
307 There is hereby established in the State Treasury a separate  
308 trust fund to be named the "State Housing Trust Fund." There  
309 shall be deposited in the fund all moneys appropriated by the  
310 Legislature, or moneys received from any other source, for the  
311 purpose of this chapter, including all loan repayments,  
312 penalties, and other fees and charges accruing to such fund  
313 under this chapter, and all proceeds derived from the use of  
314 such moneys. The fund shall be administered by the Florida  
315 Housing Finance Corporation on behalf of the department, as  
316 specified in this chapter. Money deposited to the fund and  
317 appropriated by the Legislature must, notwithstanding the  
318 provisions of chapter 216 or s. 420.504(3), be transferred  
319 quarterly in advance, to the extent available, or, if not so

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320 available, as soon as received into the State Housing Trust  
321 Fund, and subject to the provisions of s. 420.5092(6)(a) and (b)  
322 by the Chief Financial Officer to the corporation upon  
323 certification by the Commissioner ~~Secretary~~ of Jobs Florida  
324 ~~Community Affairs~~ that the corporation is in compliance with the  
325 requirements of s. 420.0006. The certification made by the  
326 commissioner ~~secretary~~ shall also include the split of funds  
327 among programs administered by the corporation and the  
328 department as specified in chapter 92-317, Laws of Florida, as  
329 amended. Moneys advanced by the Chief Financial Officer must be  
330 deposited by the corporation into a separate fund established  
331 with a qualified public depository meeting the requirements of  
332 chapter 280 to be named the "State Housing Fund" and used for  
333 the purposes of this chapter. Administrative and personnel costs  
334 incurred in implementing this chapter may be paid from the State  
335 Housing Fund, as appropriated by the Legislature ~~but such costs~~  
336 ~~may not exceed 5 percent of the moneys deposited into such fund.~~  
337 ~~To the State Housing Fund shall be credited all loan repayments,~~  
338 ~~penalties, and other fees and charges accruing to such fund~~  
339 ~~under this chapter. It is the intent of this chapter that all~~  
340 ~~loan repayments, penalties, and other fees and charges collected~~  
341 ~~be credited in full to the program account from which the loan~~  
342 ~~originated.~~ Moneys in the State Housing Fund in excess of the  
343 amounts appropriated for the current fiscal year ~~which are not~~  
344 ~~currently needed for the purposes of this chapter~~ shall be  
345 deposited with the Treasury to the credit of the State Housing  
346 Trust Fund and may be invested in such manner as is provided for  
347 by statute. The interest received on any such investment shall  
348 be credited to the General Revenue ~~State Housing~~ Fund.

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349 Section 5. Paragraph (d) of subsection (1) of section  
350 420.101, Florida Statutes, is amended to read:

351 420.101 Housing Development Corporation of Florida;  
352 creation, membership, and purposes.—

353 (1) Twenty-five or more persons, a majority of whom shall  
354 be residents of this state, who may desire to create a housing  
355 development corporation under the provisions of this part for  
356 the purpose of promoting and developing housing and advancing  
357 the prosperity and economic welfare of the state and, to that  
358 end, to exercise the powers and privileges hereinafter provided,  
359 may be incorporated by filing in the Department of State, as  
360 hereinafter provided, articles of incorporation. The articles of  
361 incorporation shall contain:

362 (d) The names and post office addresses of the members of  
363 the first board of directors. The first board of directors shall  
364 be elected by and from the stockholders of the corporation and  
365 shall consist of 21 members. However, five of such members shall  
366 consist of the following persons, who shall be nonvoting  
367 members: the Commissioner ~~secretary~~ of Jobs Florida ~~the~~  
368 ~~Department of Community Affairs~~ or her or his designee; the head  
369 of the Department of Financial Services or her or his designee  
370 with expertise in banking matters; a designee of the head of the  
371 Department of Financial Services with expertise in insurance  
372 matters; one state senator appointed by the President of the  
373 Senate; and one representative appointed by the Speaker of the  
374 House of Representatives.

375 Section 6. Subsection (8) of section 420.111, Florida  
376 Statutes, is amended to read:

377 420.111 Housing Development Corporation of Florida;

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378 additional powers.—In furtherance of its purposes and in  
379 addition to the powers now or hereafter conferred on business  
380 corporations by chapter 607, the corporation shall, subject to  
381 the restrictions and limitations herein contained, have the  
382 following powers:

383 (8) To cooperate with, and avail itself of the facilities  
384 of, the United States Department of Housing and Urban  
385 Development, Jobs Florida ~~the Department of Community Affairs~~,  
386 and any other similar local, state, or Federal Government  
387 agency; and to cooperate with and assist, and otherwise  
388 encourage, organizations in the various communities of the state  
389 on the promotion, assistance, and development of the housing and  
390 economic welfare of such communities or of this state or any  
391 part thereof.

392 Section 7. Section 420.36, Florida Statutes, is amended to  
393 read:

394 420.36 Low-income Emergency Home Repair Program.—There is  
395 established within Jobs Florida ~~the Department of Community~~  
396 ~~Affairs~~ the Low-income Emergency Home Repair Program to assist  
397 low-income persons, especially the elderly and physically  
398 disabled, in making emergency repairs which directly affect  
399 their health and safety.

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

401 (a) "Grantee" means a local public or private nonprofit  
402 agency currently receiving funds from the department to conduct  
403 a weatherization assistance program in one or more counties or a  
404 public or nonprofit agency chosen as outlined in subparagraph  
405 (4) (c) 4.

406 (b) "Subgrantee" means a local public or private nonprofit

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407 agency experienced in weatherization, emergency repairs, or  
408 rehabilitation of housing.

409 (2) A person is eligible to receive assistance if that  
410 person has an income in relation to that person's family size  
411 which is at or below 125 percent of the poverty level as  
412 specified annually in the federal Office of Management and  
413 Budget Poverty Guidelines. Eligible persons over 60 years of age  
414 and eligible persons who are physically disabled shall be given  
415 priority in the program.

416 (3) (a) Allowable repairs, including materials and labor,  
417 which may be charged under the program include:

418 1. Correcting deficiencies in support beams, load-bearing  
419 walls, and floor joists.

420 2. Repair or replacement of unsafe or nonfunctional space  
421 heating or water heating systems.

422 3. Egress or physically disabled accessibility repairs,  
423 improvements, or assistive devices, including wheelchair ramps,  
424 steps, porches, handrails, or other health and safety measures.

425 4. Plumbing, pump, well, and line repairs to ensure safe  
426 drinking water and sanitary sewage.

427 5. Electrical repairs.

428 6. Repairs to deteriorating walls, floors, and roofs.

429 7. Other interior and exterior repairs as necessary for the  
430 health and safety of the resident.

431 (b) Administrative expenses may not exceed 10 percent of  
432 the total grant funds.

433 (c) Each grantee shall be required to provide an in-kind or  
434 cash match of at least 20 percent of the funds granted. Grantees  
435 and subgrantees shall be encouraged to use community resources

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436 to provide such match, including family, church, and  
437 neighborhood volunteers and materials provided by local groups  
438 and businesses. Grantees shall coordinate with local governments  
439 through their community development block grant entitlement  
440 programs and other housing programs, local housing partnerships,  
441 and agencies under contract to a lead agency for the provisions  
442 of services under the Community Care for the Elderly Act, ss.  
443 430.201-430.207.

444 (4) (a) Funds appropriated to the department for the program  
445 shall be deposited in the Energy Consumption Trust Fund.  
446 Administrative and personnel costs incurred by the department in  
447 implementing the provisions of this section may be paid from the  
448 fund.

449 (b) The grantee may subgrant these funds to a subgrantee if  
450 the grantee is unable to serve all of the county or the target  
451 population. Grantee and subgrantee eligibility shall be  
452 determined by the department.

453 (c) Funds shall be distributed to grantees and subgrantees  
454 as follows:

455 1. For each county, a base amount of at least \$3,000 shall  
456 be set aside from the total funds available, and such amount  
457 shall be deducted from the total amount appropriated by the  
458 Legislature.

459 2. The balance of the funds appropriated by the Legislature  
460 shall be divided by the total poverty population of the state,  
461 and this quotient shall be multiplied by each county's share of  
462 the poverty population. That amount plus the base of at least  
463 \$3,000 shall constitute each county's share. A grantee which  
464 serves more than one county shall receive the base amount plus



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465 the poverty population share for each county to be served.

466 Contracts with grantees may be renewed annually.

467         3. The funds allocated to each county shall be offered  
468 first to an existing weatherization assistance program grantee  
469 in good standing, as determined by the department, that can  
470 provide services to the target population of low-income persons,  
471 low-income elderly persons, and low-income physically disabled  
472 persons throughout the county.

473         4. If a weatherization assistance program grantee is not  
474 available to serve the entire county area, the funds shall be  
475 distributed through the following process:

476             a. An announcement of funding availability shall be  
477 provided to the county. The county may elect to administer the  
478 program.

479             b. If the county elects not to administer the program, the  
480 department shall establish rules to address the selection of one  
481 or more public or private not-for-profit agencies that are  
482 experienced in weatherization, rehabilitation, or emergency  
483 repair to administer the program.

484         5. If no eligible agency agrees to serve a county, the  
485 funds for that county shall be distributed to grantees having  
486 the best performance record as determined by department rule. At  
487 the end of the contract year, any uncontracted or unexpended  
488 funds shall be returned to the Energy Consumption Trust Fund and  
489 reallocated under the next year's contracting cycle.

490         (5) The department may perform all actions appropriate and  
491 necessary to carry out the purposes of this section, including,  
492 but not limited to:

493             (a) Entering into contracts and agreements with the Federal

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494 Government, agencies of the state, local governments, or any  
495 person, association, corporation, or entity.

496 (b) Seeking and accepting funding from any public or  
497 private source.

498 (c) Adopting and enforcing rules consistent with this  
499 section.

500 Section 8. Subsections (1) and (2) of section 420.424,  
501 Florida Statutes, are amended to read:

502 420.424 Definitions.—As used in ss. 420.421-420.429:

503 (2) ~~(1)~~ "Department" means Jobs Florida ~~the Department of~~  
504 ~~Community Affairs.~~

505 (1) ~~(2)~~ "Commissioner Secretary" means the Commissioner  
506 ~~Secretary of Jobs Florida Community Affairs.~~

507 Section 9. Subsection (12) of section 420.503, Florida  
508 Statutes, is amended to read:

509 420.503 Definitions.—As used in this part, the term:

510 (12) "Department" means Jobs Florida ~~the Department of~~  
511 ~~Community Affairs.~~

512 Section 10. Subsections (1) and (3) of section 420.504,  
513 Florida Statutes, are amended to read:

514 420.504 Public corporation; creation, membership, terms,  
515 expenses.—

516 (1) There is created within Jobs Florida ~~the Department of~~  
517 ~~Community Affairs~~ a public corporation and a public body  
518 corporate and politic, to be known as the "Florida Housing  
519 Finance Corporation." It is declared to be the intent of and  
520 constitutional construction by the Legislature that the Florida  
521 Housing Finance Corporation constitutes an entrepreneurial  
522 public corporation organized to provide and promote the public

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523 welfare by administering the governmental function of financing  
524 or refinancing housing and related facilities in Florida and  
525 that the corporation is not a department of the executive branch  
526 of state government within the scope and meaning of s. 6, Art.  
527 IV of the State Constitution, but is functionally related to  
528 Jobs Florida ~~the Department of Community Affairs~~ in which it is  
529 placed. The executive function of state government to be  
530 performed by the Commissioner of Jobs Florida ~~secretary of the~~  
531 ~~department~~ in the conduct of the business of the Florida Housing  
532 Finance Corporation must be performed pursuant to a contract to  
533 monitor and set performance standards for the implementation of  
534 the business plan for the provision of housing approved for the  
535 corporation as provided in s. 420.0006. This contract shall  
536 include the performance standards for the provision of  
537 affordable housing in Florida established in the business plan  
538 described in s. 420.511.

539 (3) The corporation is a separate budget entity and is not  
540 subject to control, supervision, or direction by Jobs Florida  
541 ~~the Department of Community Affairs~~ in any manner, including,  
542 but not limited to, personnel, purchasing, transactions  
543 involving real or personal property, and budgetary matters. The  
544 corporation shall consist of a board of directors composed of  
545 the Commissioner ~~Secretary~~ of Jobs Florida ~~Community Affairs~~ as  
546 an ex officio and voting member and eight members appointed by  
547 the Governor subject to confirmation by the Senate from the  
548 following:

549 (a) One citizen actively engaged in the residential home  
550 building industry.

551 (b) One citizen actively engaged in the banking or mortgage

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552 banking industry.

553 (c) One citizen who is a representative of those areas of  
554 labor engaged in home building.

555 (d) One citizen with experience in housing development who  
556 is an advocate for low-income persons.

557 (e) One citizen actively engaged in the commercial building  
558 industry.

559 (f) One citizen who is a former local government elected  
560 official.

561 (g) Two citizens of the state who are not principally  
562 employed as members or representatives of any of the groups  
563 specified in paragraphs (a)-(f).

564 Section 11. Section 420.506, Florida Statutes, is amended  
565 to read:

566 420.506 Executive director; agents and employees.—The  
567 appointment and removal of an executive director shall be by the  
568 Commissioner ~~Secretary~~ of Jobs Florida ~~Community Affairs~~, with  
569 the advice and consent of the corporation's board of directors.  
570 The executive director shall employ legal and technical experts  
571 and such other agents and employees, permanent and temporary, as  
572 the corporation may require, and shall communicate with and  
573 provide information to the Legislature with respect to the  
574 corporation's activities. The board is authorized,  
575 notwithstanding the provisions of s. 216.262, to develop and  
576 implement rules regarding the employment of employees of the  
577 corporation and service providers, including legal counsel. The  
578 board of directors of the corporation is entitled to establish  
579 travel procedures and guidelines for employees of the  
580 corporation. The executive director's office and the

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581 corporation's files and records must be located in Leon County.

582 Section 12. Subsections (10), (28), and (30) of section  
583 420.507, Florida Statutes, are amended, present subsections (32)  
584 through (47) of that section are renumbered as subsections (31)  
585 through (46), respectively, and present subsections (31) and  
586 (33) of that section are amended, to read:

587 420.507 Powers of the corporation.—The corporation shall  
588 have all the powers necessary or convenient to carry out and  
589 effectuate the purposes and provisions of this part, including  
590 the following powers which are in addition to all other powers  
591 granted by other provisions of this part:

592 (10) To contract for and to accept gifts, grants, loans, or  
593 other aid from the United States Government or any person or  
594 corporation for deposit into the State Housing Trust Fund and to  
595 expend such funds as appropriated by the Legislature.

596 (28) To expend amounts appropriated by the Legislature  
597 ~~advanced~~ from the State Housing Trust Fund for the purposes of  
598 this part.

599 (30) To prepare and submit to the commissioner ~~secretary~~ of  
600 the department a budget request for purposes of the corporation,  
601 which request shall, ~~notwithstanding the provisions of chapter~~  
602 ~~216 and in accordance with s. 216.351,~~ contain a request for  
603 operational expenditures and separate requests for other  
604 authorized corporation programs. ~~The request shall not be~~  
605 ~~required to contain information on the number of employees,~~  
606 ~~salaries, or any classification thereof, and the approved~~  
607 ~~operating budget therefor need not comply with s. 216.181(8)—~~  
608 ~~(10).~~ The commissioner ~~secretary~~ is authorized to include within  
609 the department's budget request the corporation's budget request

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610 in the form as authorized by this section.

611 ~~(31) Notwithstanding the provisions of s. 216.301, to~~  
612 ~~retain any unused operational expenditure appropriation for~~  
613 ~~other lawful purposes of the corporation.~~

614 (32) ~~(33)~~ To receive federal funding in connection with the  
615 corporation's programs ~~directly~~ from the Federal Government for  
616 deposit into the State Housing Trust Fund and to expend such  
617 funds as appropriated by the Legislature.

618 Section 13. Subsection (5) of section 420.508, Florida  
619 Statutes, is amended to read:

620 420.508 Special powers; multifamily and single-family  
621 projects.—The corporation shall have the special power to:

622 (5) Establish with a qualified depository meeting the  
623 requirements of chapter 280, a separate fund to be known as the  
624 "Florida Housing Finance Corporation Fund," to be administered  
625 by the corporation in accordance with the purposes of this  
626 chapter. All fees collected by the corporation ~~directly~~ from the  
627 Federal Government for administration of the United States  
628 Department of Housing and Urban Development Section 8 housing  
629 program, all annual administrative fees collected by trustees  
630 for bond programs and remitted to the corporation, all expense  
631 fees related to costs of bond issuance collected by trustees and  
632 remitted to the corporation, and all tax credit program fees  
633 must be deposited into the State Housing Trust Fund in the State  
634 Treasury. The Florida Housing Finance Corporation Fund shall be  
635 utilized for the purposes of the corporation, including payment  
636 of administrative expenses. Expenditures from the Florida  
637 Housing Finance Corporation Fund shall ~~not be required to be~~  
638 ~~included in the corporation's budget request or be subject to~~

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639 appropriation by the Legislature.

640 Section 14. Paragraph (c) of subsection (6) and subsections  
641 (7) and (8) of section 420.5087, Florida Statutes, are amended  
642 to read:

643 420.5087 State Apartment Incentive Loan Program.—There is  
644 hereby created the State Apartment Incentive Loan Program for  
645 the purpose of providing first, second, or other subordinated  
646 mortgage loans or loan guarantees to sponsors, including for-  
647 profit, nonprofit, and public entities, to provide housing  
648 affordable to very-low-income persons.

649 (6) On all state apartment incentive loans, except loans  
650 made to housing communities for the elderly to provide for  
651 lifesafety, building preservation, health, sanitation, or  
652 security-related repairs or improvements, the following  
653 provisions shall apply:

654 (c) The corporation shall provide by rule for the  
655 establishment of a review committee composed of the department  
656 and corporation staff and shall establish by rule a scoring  
657 system for evaluation and competitive ranking of applications  
658 submitted in this program, including, but not limited to, the  
659 following criteria:

660 1. Tenant income and demographic targeting objectives of  
661 the corporation.

662 2. Targeting objectives of the corporation which will  
663 ensure an equitable distribution of loans between rural and  
664 urban areas.

665 3. Sponsor's agreement to reserve the units for persons or  
666 families who have incomes below 50 percent of the state or local  
667 median income, whichever is higher, for a time period to exceed

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668 the minimum required by federal law or the provisions of this  
669 part.

670 4. Sponsor's agreement to reserve more than:

671 a. Twenty percent of the units in the project for persons  
672 or families who have incomes that do not exceed 50 percent of  
673 the state or local median income, whichever is higher; or

674 b. Forty percent of the units in the project for persons or  
675 families who have incomes that do not exceed 60 percent of the  
676 state or local median income, whichever is higher, without  
677 requiring a greater amount of the loans as provided in this  
678 section.

679 5. Provision for tenant counseling.

680 6. Sponsor's agreement to accept rental assistance  
681 certificates or vouchers as payment for rent.

682 7. Projects requiring the least amount of a state apartment  
683 incentive loan compared to overall project cost except that the  
684 share of the loan attributable to units serving extremely-low-  
685 income persons shall be excluded from this requirement.

686 8. Local government contributions and local government  
687 comprehensive planning and activities that promote affordable  
688 housing.

689 9. Project feasibility.

690 10. Economic viability of the project.

691 11. Commitment of first mortgage financing.

692 12. Sponsor's prior experience, including whether the  
693 developer and general contractor have substantial experience, as  
694 provided in s. 420.507(46) ~~s. 420.507(47)~~.

695 13. Sponsor's ability to proceed with construction.

696 14. Projects that directly implement or assist welfare-to-



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697 work transitioning.

698 15. Projects that reserve units for extremely-low-income  
699 persons.

700 16. Projects that include green building principles, storm-  
701 resistant construction, or other elements that reduce long-term  
702 costs relating to maintenance, utilities, or insurance.

703 17. Domicile of the developer and general contractor, as  
704 provided in s. 420.507(46) ~~s. 420.507(47)~~.

705 (7) There is authorized to be established by the  
706 corporation with a qualified public depository meeting the  
707 requirements of chapter 280 a separate fund to be named the  
708 "State Apartment Incentive Loan Fund," which shall be  
709 administered by the corporation according to the provisions of  
710 this program. ~~Any amounts held in the State Apartment Incentive~~  
711 ~~Loan Trust Fund for such purpose as of January 1, 1998, must be~~  
712 ~~transferred to the corporation for deposit in the State~~  
713 ~~Apartment Incentive Loan Fund and the State Apartment Incentive~~  
714 ~~Loan Trust Fund must be closed.~~ There shall be deposited into  
715 the fund moneys from the State Housing Trust Fund as created by  
716 s. 420.0005, or moneys received from any other source, for the  
717 purpose of this program ~~and all proceeds derived from the use of~~  
718 ~~such moneys.~~ However ~~In addition~~, all loan repayments, proceeds  
719 from the sale of any property, and any other proceeds that would  
720 otherwise accrue pursuant to the activities conducted under the  
721 provisions of the State Apartment Incentive Loan Program shall  
722 be accounted for by the corporation and deposited into ~~in~~ the  
723 State Housing Trust Fund in the State Treasury ~~and shall not~~  
724 ~~revert to the General Revenue Fund.~~ Expenditures from the State  
725 Apartment Incentive Loan Fund shall ~~not be required to be~~

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726 ~~included in the corporation's budget request or~~ be subject to  
727 appropriation by the Legislature. If the construction period  
728 ~~extends beyond a loan commitment for program funds is entered~~  
729 ~~into during~~ the state fiscal year for which the program funds  
730 are were appropriated, or the fiscal year in which the loan  
731 commitment is entered, the funds may ~~shall continue to~~ be used  
732 in a subsequent fiscal year upon the approval of a budget  
733 amendment for such funds from the Legislative Budget Commission  
734 ~~made available for use during the entire construction period,~~  
735 ~~even if it extends beyond the state fiscal year in which the~~  
736 ~~loan commitment was entered.~~

737 (8) If a default on a loan occurs, the corporation may  
738 foreclose on any mortgage or security interest or commence any  
739 legal action to protect the interest of the corporation or the  
740 fund and recover the amount of the unpaid principal, accrued  
741 interest, and fees on behalf of the fund. The corporation may  
742 acquire real and personal property or any interest therein when  
743 that acquisition is necessary or appropriate to protect any  
744 loan; to sell, transfer, and convey any such property to a buyer  
745 without regard to the provisions of chapters 253 and 270; and,  
746 if that sale, transfer, or conveyance cannot be effected within  
747 a reasonable time, to lease such property for occupancy by  
748 eligible persons. All sums recovered from the sale, transfer,  
749 conveyance, or lease of such property shall be accounted for by  
750 the corporation and deposited into the State Housing Trust  
751 ~~Apartment Incentive Loan~~ Fund in the State Treasury. The  
752 corporation may not transfer funds for its loan loss insurance  
753 reserve except upon approval of a budget amendment for such  
754 funds by the Legislative Budget Commission.

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755 Section 15. Subsection (4) of section 420.5088, Florida  
756 Statutes, is amended to read:

757 420.5088 Florida Homeownership Assistance Program.—There is  
758 created the Florida Homeownership Assistance Program for the  
759 purpose of assisting low-income and moderate-income persons in  
760 purchasing a home as their primary residence by reducing the  
761 cost of the home with below-market construction financing, by  
762 reducing the amount of down payment and closing costs paid by  
763 the borrower to a maximum of 5 percent of the purchase price, or  
764 by reducing the monthly payment to an affordable amount for the  
765 purchaser. Loans shall be made available at an interest rate  
766 that does not exceed 3 percent. The balance of any loan is due  
767 at closing if the property is sold, refinanced, rented, or  
768 transferred, unless otherwise approved by the corporation.

769 (4) There is authorized to be established by the  
770 corporation with a qualified public depository meeting the  
771 requirements of chapter 280 the Florida Homeownership Assistance  
772 Fund to be administered by the corporation according to the  
773 provisions of this program. ~~Any amounts held in the Florida~~  
774 ~~Homeownership Assistance Trust Fund for such purposes as of~~  
775 ~~January 1, 1998, must be transferred to the corporation for~~  
776 ~~deposit in the Florida Homeownership Assistance Fund, whereupon~~  
777 ~~the Florida Homeownership Assistance Trust Fund must be closed.~~  
778 There shall be deposited in the fund moneys from the State  
779 Housing Trust Fund created by s. 420.0005, or moneys received  
780 from any other source, 7 for the purpose of this program ~~and all~~  
781 ~~proceeds derived from the use of such moneys.~~ However In  
782 addition, all unencumbered funds, loan repayments, proceeds from  
783 the sale of any property, and any other proceeds that would

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784 otherwise accrue pursuant to the activities of the programs  
 785 described in this section shall be accounted for by the  
 786 corporation and deposited into the State Housing Trust  
 787 ~~transferred to this~~ Fund in the State Treasury. In addition, all  
 788 loan repayments, proceeds from the sale of any property, and any  
 789 other proceeds that would otherwise accrue pursuant to the  
 790 activities conducted under the provisions of the Florida  
 791 Homeownership Assistance Program shall be accounted for by the  
 792 corporation and deposited into ~~in~~ the State Housing Trust Fund  
 793 in the State Treasury ~~and shall not revert to the General~~  
 794 ~~Revenue Fund~~. Expenditures from the Florida Homeownership  
 795 Assistance Fund shall ~~not be required to be included in the~~  
 796 ~~corporation's budget request or~~ be subject to appropriation by  
 797 the Legislature.

798 Section 16. Subsections (1) and (10) of section 420.5089,  
 799 Florida Statutes, are amended to read:

800 420.5089 HOME Investment Partnership Program; HOME  
 801 Investment Partnership Fund.—

802 (1) There is authorized to be established by the  
 803 corporation with a qualified public depository meeting the  
 804 requirements of chapter 280 the HOME Investment Partnership  
 805 Fund, which shall be administered by the corporation according  
 806 to the provisions of the HOME Investment Partnership Program  
 807 which is hereby created. ~~Any amounts held in the HOME~~  
 808 ~~Partnership Trust Fund for such purposes as of January 1, 1998,~~  
 809 ~~must be transferred to the corporation for deposit in the HOME~~  
 810 ~~Investment Partnership Fund, whereupon the HOME Partnership~~  
 811 ~~Trust Fund must be closed.~~ There shall be deposited into the  
 812 fund moneys appropriated from the State Housing Trust Fund.

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813 ~~However or Moneys received from any other source for the purpose~~  
814 ~~of this program, and all proceeds derived from the use of such~~  
815 ~~moneys. In addition, all loan repayments, proceeds from the sale~~  
816 ~~of any property, and any other proceeds that would otherwise~~  
817 ~~accrue pursuant to the activities conducted under the provisions~~  
818 ~~of the HOME Investment Partnership Program shall be accounted~~  
819 ~~for by the corporation and deposited into the State Housing~~  
820 ~~Trust Fund in the State Treasury and shall not revert to the~~  
821 ~~General Revenue Fund.~~ Expenditures from the HOME Investment  
822 Partnership Fund shall ~~not be required to be included in the~~  
823 ~~corporation's budget request or~~ be subject to appropriation by  
824 the Legislature. If the construction period extends beyond the  
825 state fiscal year in which the funds are appropriated, the funds  
826 may be used in a subsequent fiscal year upon the approval of a  
827 budget amendment for such funds by the Legislative Budget  
828 Commission.

829 (10) All sums recovered from the sale, transfer,  
830 conveyance, or lease of such property shall be deposited into  
831 the State Housing Trust ~~HOME Investment Partnership~~ Fund for  
832 expenditure as appropriated by the Legislature.

833 Section 17. Section 420.5091, Florida Statutes, is amended  
834 to read:

835 420.5091 HOPE Program.—

836 (1) The corporation may adopt rules to implement the HOPE  
837 Program, created by the 1990 National Affordable Housing Act, to  
838 make loans and grants, foreclose on any mortgage or security  
839 interest, or commence any legal action to protect the interest  
840 of the corporation and recover the amount of the unpaid  
841 principal, accrued interest, and fees. The corporation may

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842 acquire real and personal property or any interest in the  
843 property if that acquisition is necessary to protect any loan;  
844 sell, transfer, and convey any such property to a buyer without  
845 regard to the provisions of chapters 253 and 270; and, if that  
846 sale, transfer, or conveyance cannot be effected within a  
847 reasonable time, lease such property for occupancy by eligible  
848 persons. All sums recovered from the sale, transfer, conveyance,  
849 or lease of such property shall be deposited into the State  
850 Housing Trust ~~HOME Investment Partnership~~ Fund in the State  
851 Treasury.

852 (2) The corporation shall monitor all projects funded under  
853 this section to ensure compliance with federal and state  
854 requirements. The corporation may inspect such projects or  
855 records pertaining to those projects at any reasonable time.

856 Section 18. Subsections (3), (5), and (6) of section  
857 420.5092, Florida Statutes, are amended to read:

858 420.5092 Florida Affordable Housing Guarantee Program.—

859 (3) Amounts on deposit in the State Housing Trust Fund or  
860 amounts received by the Florida Housing Finance Corporation as  
861 program funds from loan programs funded with state moneys may  
862 also be used to support the Florida Affordable Housing Guarantee  
863 Program. Such use, if any, is in addition to those purposes for  
864 which the State Housing Trust Fund was created, and such moneys  
865 shall be obligated and committed in accordance with the  
866 corporation certification provided for in subsection (6).

867 (5) Pursuant to s. 16, Art. VII of the State Constitution,  
868 the corporation may issue, in accordance with s. 420.509,  
869 revenue bonds of the corporation to establish the guarantee  
870 fund. Such revenue bonds shall be primarily payable from and

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871 secured by annual debt service reserves, from interest earned on  
872 funds on deposit in the guarantee fund, from fees, charges, and  
873 reimbursements established by the corporation for the issuance  
874 of affordable housing guarantees, and from any other revenue  
875 sources received by the corporation and deposited by the  
876 corporation into the guarantee fund for the issuance of  
877 affordable housing guarantees. To the extent such primary  
878 revenue sources are considered insufficient by the corporation,  
879 pursuant to the certification provided in subsection (6), to  
880 fully fund the annual debt service reserve, the certified  
881 deficiency in such reserve shall be additionally payable from  
882 the first proceeds of the documentary stamp tax moneys deposited  
883 into the State Housing Trust Fund pursuant to s. 201.15(13) ~~s.~~  
884 ~~201.15(9)(a) and (10)(a)~~ during the ensuing state fiscal year.

885 (6) (a) If the primary revenue sources to be used for  
886 repayment of revenue bonds used to establish the guarantee fund  
887 are insufficient for such repayment, the annual principal and  
888 interest due on each series of revenue bonds shall be payable  
889 from funds in the annual debt service reserve. The corporation  
890 shall, before June 1 of each year, perform a financial audit to  
891 determine whether at the end of the state fiscal year there will  
892 be on deposit in the guarantee fund an annual debt service  
893 reserve from interest earned pursuant to the investment of the  
894 guarantee fund, fees, charges, and reimbursements received from  
895 issued affordable housing guarantees and other revenue sources  
896 available to the corporation. Based upon the findings in such  
897 guarantee fund financial audit, the corporation shall certify to  
898 the Chief Financial Officer the amount of any projected  
899 deficiency in the annual debt service reserve for any series of

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900 outstanding bonds as of the end of the state fiscal year and the  
901 amount necessary to maintain such annual debt service reserve.  
902 Upon receipt of such certification, the Chief Financial Officer  
903 shall transfer to the annual debt service reserve, from the  
904 first available taxes distributed to the State Housing Trust  
905 Fund pursuant to s. 201.15(13) ~~s. 201.15(9)(a) and (10)(a)~~  
906 during the ensuing state fiscal year, the amount certified as  
907 necessary to maintain the annual debt service reserve.

908 (b) If the claims payment obligations under affordable  
909 housing guarantees from amounts on deposit in the guarantee fund  
910 would cause the claims paying rating assigned to the guarantee  
911 fund to be less than the third-highest rating classification of  
912 any nationally recognized rating service, which classifications  
913 being consistent with s. 215.84(3) and rules adopted thereto by  
914 the State Board of Administration, the corporation shall certify  
915 to the Chief Financial Officer the amount of such claims payment  
916 obligations. Upon receipt of such certification, the Chief  
917 Financial Officer shall transfer to the guarantee fund, from the  
918 first available taxes distributed to the State Housing Trust  
919 Fund pursuant to s. 201.15(13) ~~s. 201.15(9)(a) and (10)(a)~~  
920 during the ensuing state fiscal year, the amount certified as  
921 necessary to meet such obligations, such transfer to be  
922 subordinate to any transfer referenced in paragraph (a) ~~and not~~  
923 ~~to exceed 50 percent of the amounts distributed to the State~~  
924 ~~Housing Trust Fund pursuant to s. 201.15(9)(a) and (10)(a)~~  
925 ~~during the preceding state fiscal year.~~

926 Section 19. Paragraph (e) of subsection (12) of section  
927 420.5095, Florida Statutes, is amended to read:

928 420.5095 Community Workforce Housing Innovation Pilot



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929 Program.—

930 (12) All eligible applications shall:

931 (e) Demonstrate how the applicant will use the regulatory  
932 incentives and financial strategies outlined in subsection (8)  
933 from the local jurisdiction in which the proposed project is to  
934 be located. The corporation may consult with Jobs Florida ~~the~~  
935 ~~Department of Community Affairs~~ in evaluating the use of  
936 regulatory incentives by applicants.

937 Section 20. Section 420.525, Florida Statutes, is amended  
938 to read:

939 420.525 Housing Predevelopment Fund.—

940 (1) There is authorized to be established by the  
941 corporation with a qualified public depository meeting the  
942 requirements of chapter 280 a separate fund to be named the  
943 "Housing Predevelopment Fund" which shall be administered by the  
944 corporation according to the provisions of ss. 420.521-420.529.  
945 ~~Any amounts held in the Housing Predevelopment Trust Fund for~~  
946 ~~such purposes as of January 1, 1998, must be transferred to the~~  
947 ~~corporation for deposit in the Housing Predevelopment Fund,~~  
948 ~~whereupon the Housing Predevelopment Trust Fund must be closed.~~  
949 There shall be deposited into the fund moneys appropriated from  
950 the State Housing Trust Fund as created by s. 420.0005 or moneys  
951 received from any other source, for the purpose of this program  
952 ~~and all proceeds derived from the use of such moneys.~~  
953 Administrative and personnel costs incurred in implementing the  
954 provisions of ss. 420.521-420.529 may be paid from the fund.  
955 Expenditures from the Housing Predevelopment Fund shall ~~not be~~  
956 ~~required to be included in the corporation's budget request or~~  
957 be subject to appropriation by the Legislature. If the

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958 predevelopment period extends beyond the state fiscal year in  
959 which the funds are appropriated, the funds may be used in a  
960 subsequent fiscal year upon the approval of a budget amendment  
961 for such funds by the Legislative Budget Commission.

962 (2) All unencumbered funds, loan repayments, proceeds from  
963 the sale of any property, existing funds remaining in the  
964 following programs, and any other proceeds that would otherwise  
965 accrue pursuant to the activities conducted under this program  
966 and the provisions of the following programs shall be accounted  
967 for by the corporation and deposited into ~~in~~ the State Housing  
968 Trust Fund in the State Treasury ~~and shall not revert to the~~  
969 ~~General Revenue Fund:~~

970 (a) The Rural Housing Land Acquisition and Site Development  
971 Act;

972 (b) The Farmworker Housing Assistance Act; and

973 (c) The Community-Based Organization Loan Program created  
974 by the Affordable Housing Planning and Community Assistance Act.

975 Section 21. Subsection (5) of section 420.526, Florida  
976 Statutes, is amended to read:

977 420.526 Predevelopment Loan Program; loans and grants  
978 authorized; activities eligible for support.—

979 (5) Any funds paid out of the Housing Predevelopment Fund  
980 for activities under ss. 420.521-420.529 which are reimbursed to  
981 the sponsor from another source shall be accounted for by the  
982 corporation and repaid to the State Housing Trust Fund in the  
983 State Treasury for expenditure as appropriated by the  
984 Legislature.

985 Section 22. Section 420.529, Florida Statutes, is amended  
986 to read:

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987           420.529 Default by sponsor.—If a default on a loan occurs,  
 988 the corporation may foreclose on any mortgage or security  
 989 interest or commence any legal action to protect the interest of  
 990 the corporation or the fund and recover the amount of the unpaid  
 991 principal, accrued interest, and fees on behalf of the fund. The  
 992 corporation may also acquire real and personal property or any  
 993 interest in the property if such acquisition is necessary or  
 994 appropriate to protect any loan; to sell, transfer, and convey  
 995 any such property to a buyer without regard to the provisions of  
 996 chapters 253 and 270; and, if such sale, transfer, or conveyance  
 997 cannot be effected within a reasonable time, to lease such  
 998 property for occupancy by eligible persons. All sums recovered  
 999 from the sale, transfer, conveyance, or lease of such property  
 1000 shall be accounted for by the corporation and deposited into the  
 1001 State Housing Trust Predevelopment Fund in the State Treasury  
 1002 for expenditure as appropriated by the Legislature.

1003           Section 23. Subsections (4) through (10) of section  
 1004 420.602, Florida Statutes, are amended to read:

1005           420.602 Definitions.—As used in this part, the following  
 1006 terms shall have the following meanings, unless the context  
 1007 otherwise requires:

1008           (4) "Commissioner" means the Commissioner of Jobs Florida.

1009           (5)~~(4)~~ "Community-based organization" means a private  
 1010 corporation organized under chapter 617 to assist in the  
 1011 provision of housing and related services on a not-for-profit  
 1012 basis within a designated area, including a municipality,  
 1013 county, or area of more than one municipality or county.

1014           (6)~~(5)~~ "Corporation" means the Florida Housing Finance  
 1015 Corporation as created in s. 420.504.

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1016 (7)~~(6)~~ "Department" means Jobs Florida ~~the Department of~~  
 1017 ~~Community Affairs.~~

1018 (8)~~(7)~~ "Fund" means the Florida Affordable Housing Trust  
 1019 Fund as created in this part.

1020 (9)~~(8)~~ "Low-income persons" means one or more natural  
 1021 persons or a family, the total annual adjusted gross household  
 1022 income of which does not exceed 80 percent of the median annual  
 1023 adjusted gross income for households within the state, or 80  
 1024 percent of the median annual adjusted gross income for  
 1025 households within the metropolitan statistical area (MSA) or, if  
 1026 not within an MSA, within the county in which the person or  
 1027 family resides, whichever is greater.

1028 (10)~~(9)~~ "Moderate-income persons" means one or more natural  
 1029 persons or a family, the total annual adjusted gross household  
 1030 income of which is less than 120 percent of the median annual  
 1031 adjusted gross income for households within the state, or 120  
 1032 percent of the median annual adjusted gross income for  
 1033 households within the metropolitan statistical area (MSA) or, if  
 1034 not within an MSA, within the county in which the household is  
 1035 located, whichever is greater.

1036 ~~(10) "Secretary" means the Secretary of Community Affairs.~~

1037 Section 24. Subsections (3) and (4) of section 420.606,  
 1038 Florida Statutes, are amended to read:

1039 420.606 Training and technical assistance program.—

1040 (3) TRAINING AND TECHNICAL ASSISTANCE PROGRAM.—Jobs Florida  
 1041 ~~The Department of Community Affairs~~ shall be responsible for  
 1042 securing the necessary expertise to provide training and  
 1043 technical assistance to staff of local governments, to staff of  
 1044 state agencies, as appropriate, and to community-based

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1045 organizations, and to persons forming such organizations, which  
1046 are formed for the purpose of developing new housing and  
1047 rehabilitating existing housing which is affordable for very-  
1048 low-income persons, low-income persons, and moderate-income  
1049 persons.

1050 (a) The training component of the program shall be designed  
1051 to build the housing development capacity of community-based  
1052 organizations and local governments as a permanent resource for  
1053 the benefit of communities in this state.

1054 1. The scope of training shall include, but not be limited  
1055 to, real estate development skills related to affordable  
1056 housing, including the construction process and property  
1057 management and disposition, the development of public-private  
1058 partnerships to reduce housing costs, model housing projects,  
1059 and management and board responsibilities of community-based  
1060 organizations.

1061 2. Training activities may include, but are not limited to,  
1062 materials for self-instruction, workshops, seminars,  
1063 internships, coursework, and special programs developed in  
1064 conjunction with state universities and community colleges.

1065 (b) The technical assistance component of the program shall  
1066 be designed to assist applicants for state-administered programs  
1067 in developing applications and in expediting project  
1068 implementation. Technical assistance activities for the staffs  
1069 of community-based organizations and local governments who are  
1070 directly involved in the production of affordable housing may  
1071 include, but are not limited to, workshops for program  
1072 applicants, onsite visits, guidance in achieving project  
1073 completion, and a newsletter to community-based organizations

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1074 and local governments.

1075 (4) POWERS.~~Jobs Florida The Department of Community~~  
 1076 ~~Affairs~~ may do all things necessary or appropriate to carry out  
 1077 the purposes of this section, including exercising the power to:

1078 (a) Enter into contracts and agreements with the Federal  
 1079 Government or with other agencies of the state, with local  
 1080 governments, or with any other person, association, corporation,  
 1081 or entity;

1082 (b) Seek and accept funding from any public or private  
 1083 source; and

1084 (c) Adopt and enforce rules consistent with this section.

1085 Section 25. Subsection (5) of section 420.609, Florida  
 1086 Statutes, is amended to read:

1087 420.609 Affordable Housing Study Commission.—Because the  
 1088 Legislature firmly supports affordable housing in Florida for  
 1089 all economic classes:

1090 (5) The commission shall review, evaluate, and make  
 1091 recommendations regarding existing and proposed housing programs  
 1092 and initiatives. The commission shall provide these and any  
 1093 other housing recommendations to the Commissioner ~~secretary~~ of  
 1094 Jobs Florida ~~the Department of Community Affairs~~ and the  
 1095 executive director of the corporation.

1096 Section 26. Subsection (2) of section 420.622, Florida  
 1097 Statutes, is amended to read:

1098 420.622 State Office on Homelessness; Council on  
 1099 Homelessness.—

1100 (2) The Council on Homelessness is created to consist of a  
 1101 17-member council of public and private agency representatives  
 1102 who shall develop policy and advise the State Office on

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1103 Homelessness. The council members shall be: the Secretary of  
 1104 Children and Family Services, or his or her designee; the  
 1105 Commissioner ~~Secretary~~ of Jobs Florida ~~Community Affairs~~, or his  
 1106 or her designee, to advise the council on issues related to  
 1107 rural development; the State Surgeon General, or his or her  
 1108 designee; the Executive Director of Veterans' Affairs, or his or  
 1109 her designee; the Secretary of Corrections, or his or her  
 1110 designee; the Secretary of Health Care Administration, or his or  
 1111 her designee; the Commissioner of Education, or his or her  
 1112 designee; the Director of Workforce Florida, Inc., or his or her  
 1113 designee; one representative of the Florida Association of  
 1114 Counties; one representative from the Florida League of Cities;  
 1115 one representative of the Florida Supportive Housing Coalition;  
 1116 the Executive Director of the Florida Housing Finance  
 1117 Corporation, or his or her designee; one representative of the  
 1118 Florida Coalition for the Homeless; and four members appointed  
 1119 by the Governor. The council members shall be volunteer, nonpaid  
 1120 persons and shall be reimbursed for travel expenses only. The  
 1121 appointed members of the council shall be appointed to staggered  
 1122 2-year terms, and the council shall meet at least four times per  
 1123 year. The importance of minority, gender, and geographic  
 1124 representation must be considered when appointing members to the  
 1125 council.

1126 Section 27. Subsections (2) and (7) of section 420.631,  
 1127 Florida Statutes, are amended to read:

1128 420.631 Definitions relating to Urban Homesteading Act.—As  
 1129 used in ss. 420.630-420.635:

1130 (2) "Department" means Jobs Florida ~~the Department of~~  
 1131 ~~Community Affairs~~.

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1132 (7) "Office" means the Office of Urban Opportunity within  
1133 Jobs Florida ~~the Department of Community Affairs.~~

1134 Section 28. Section 420.9073, Florida Statutes, is amended  
1135 to read:

1136 420.9073 Local housing distributions.—

1137 (1) Distributions calculated in this section shall be  
1138 disbursed on a quarterly or more frequent basis by the  
1139 corporation pursuant to s. 420.9072, subject to availability of  
1140 funds. One-third ~~Each county's share~~ of the funds appropriated  
1141 to the corporation ~~to be distributed~~ from ~~the portion of the~~  
1142 ~~funds in~~ the Local Government Housing Trust Fund ~~received~~  
1143 ~~pursuant to s. 201.15(9)~~ shall be distributed calculated by the  
1144 corporation for each fiscal year as follows:

1145 (a) Each county other than a county that has implemented  
1146 the provisions of chapter 83-220, Laws of Florida, as amended by  
1147 chapters 84-270, 86-152, and 89-252, Laws of Florida, shall  
1148 receive the guaranteed amount for each fiscal year.

1149 (b) Each county other than a county that has implemented  
1150 the provisions of chapter 83-220, Laws of Florida, as amended by  
1151 chapters 84-270, 86-152, and 89-252, Laws of Florida, may  
1152 receive an additional share calculated as follows:

1153 1. Multiply each county's percentage of the total state  
1154 population excluding the population of any county that has  
1155 implemented the provisions of chapter 83-220, Laws of Florida,  
1156 as amended by chapters 84-270, 86-152, and 89-252, Laws of  
1157 Florida, by the total funds to be distributed.

1158 2. If the result in subparagraph 1. is less than the  
1159 guaranteed amount as determined in subsection (3), that county's  
1160 additional share shall be zero.



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1161           3. For each county in which the result in subparagraph 1.  
1162 is greater than the guaranteed amount as determined in  
1163 subsection (3), the amount calculated in subparagraph 1. shall  
1164 be reduced by the guaranteed amount. The result for each such  
1165 county shall be expressed as a percentage of the amounts so  
1166 determined for all counties. Each such county shall receive an  
1167 additional share equal to such percentage multiplied by one-  
1168 third of the total funds appropriated to the corporation from  
1169 ~~received by the Local Government Housing Trust Fund pursuant to~~  
1170 ~~s. 201.15(9)~~ reduced by the guaranteed amount paid to all  
1171 counties.

1172           (2) Distributions calculated in this section shall be  
1173 disbursed on a quarterly or more frequent basis by the  
1174 corporation pursuant to s. 420.9072, subject to availability of  
1175 funds. Two-thirds ~~Each county's share~~ of the funds appropriated  
1176 to the corporation ~~to be distributed from the portion of the~~  
1177 ~~funds in the Local Government Housing Trust Fund received~~  
1178 ~~pursuant to s. 201.15(10)~~ shall be distributed ~~calculated~~ by the  
1179 corporation for each fiscal year as follows:

1180           (a) Each county shall receive the guaranteed amount for  
1181 each fiscal year.

1182           (b) Each county may receive an additional share calculated  
1183 as follows:

1184           1. Multiply each county's percentage of the total state  
1185 population, by the total funds to be distributed.

1186           2. If the result in subparagraph 1. is less than the  
1187 guaranteed amount as determined in subsection (3), that county's  
1188 additional share shall be zero.

1189           3. For each county in which the result in subparagraph 1.

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1190 is greater than the guaranteed amount, the amount calculated in  
1191 subparagraph 1. shall be reduced by the guaranteed amount. The  
1192 result for each such county shall be expressed as a percentage  
1193 of the amounts so determined for all counties. Each such county  
1194 shall receive an additional share equal to this percentage  
1195 multiplied by two-thirds of the total funds appropriated from  
1196 ~~received by the Local Government Housing Trust Fund pursuant to~~  
1197 ~~s. 201.15(10)~~ as reduced by the guaranteed amount paid to all  
1198 counties.

1199 (3) Calculation of guaranteed amounts:

1200 (a) The guaranteed amount under subsection (1) shall be  
1201 \$116,667. ~~calculated for each state fiscal year by multiplying~~  
1202 ~~\$350,000 by a fraction, the numerator of which is the amount of~~  
1203 ~~funds distributed to the Local Government Housing Trust Fund~~  
1204 ~~pursuant to s. 201.15(9) and the denominator of which is the~~  
1205 ~~total amount of funds distributed to the Local Government~~  
1206 ~~Housing Trust Fund pursuant to s. 201.15.~~

1207 (b) The guaranteed amount under subsection (2) shall be  
1208 \$233,333. ~~calculated for each state fiscal year by multiplying~~  
1209 ~~\$350,000 by a fraction, the numerator of which is the amount of~~  
1210 ~~funds distributed to the Local Government Housing Trust Fund~~  
1211 ~~pursuant to s. 201.15(10) and the denominator of which is the~~  
1212 ~~total amount of funds distributed to the Local Government~~  
1213 ~~Housing Trust Fund pursuant to s. 201.15.~~

1214 (4) Funds distributed pursuant to this section may not be  
1215 pledged to pay debt service on any bonds.

1216 (5) Notwithstanding subsections (1)-(4), the corporation  
1217 may withhold up to \$5 million of the total amount distributed  
1218 each fiscal year from the Local Government Housing Trust Fund to

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1219 provide additional funding to counties and eligible  
1220 municipalities where a state of emergency has been declared by  
1221 the Governor pursuant to chapter 252. Any portion of the  
1222 withheld funds not distributed by the end of the fiscal year  
1223 shall be distributed as provided in subsections (1) and (2).

1224 (6) Notwithstanding subsections (1)-(4), the corporation  
1225 may withhold up to \$5 million from the total amount distributed  
1226 each fiscal year from the Local Government Housing Trust Fund to  
1227 provide funding to counties and eligible municipalities to  
1228 purchase properties subject to a State Housing Initiative  
1229 Partnership Program lien and on which foreclosure proceedings  
1230 have been initiated by any mortgagee. Each county and eligible  
1231 municipality that receives funds under this subsection shall  
1232 repay such funds to the corporation not later than the  
1233 expenditure deadline for the fiscal year in which the funds were  
1234 awarded. Amounts not repaid shall be withheld from the  
1235 subsequent year's distribution. Any portion of such funds not  
1236 distributed under this subsection by the end of the fiscal year  
1237 shall be distributed as provided in subsections (1) and (2).

1238 (7) A county receiving local housing distributions under  
1239 this section or an eligible municipality that receives local  
1240 housing distributions under an interlocal agreement shall expend  
1241 those funds in accordance with the provisions of ss. 420.907-  
1242 420.9079, rules of the corporation, and the county's local  
1243 housing assistance plan.

1244 Section 29. Section 420.9079, Florida Statutes, is amended  
1245 to read:

1246 420.9079 Local Government Housing Trust Fund.—

1247 (1) There is created in the State Treasury the Local

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1248 Government Housing Trust Fund, which shall be administered by  
1249 the corporation on behalf of the department according to the  
1250 provisions of ss. 420.907-420.9076 and this section. There shall  
1251 be deposited into the fund all moneys appropriated by the  
1252 Legislature ~~a portion of the documentary stamp tax revenues as~~  
1253 ~~provided in s. 201.15~~, moneys received from any other source for  
1254 the purposes of ss. 420.907-420.9076 and this section, and all  
1255 proceeds derived from the investment of such moneys. Moneys in  
1256 the fund that are not currently needed for the purposes of the  
1257 programs administered pursuant to ss. 420.907-420.9076 and this  
1258 section shall be deposited in the State Treasury to the credit  
1259 of the fund and may be invested as provided by law. The interest  
1260 received on any such investment shall be credited to the General  
1261 Revenue Fund.

1262 (2) The corporation shall administer the fund exclusively  
1263 for the purpose of implementing the programs described in ss.  
1264 420.907-420.9076 and this section. With the exception of  
1265 monitoring the activities of counties and eligible  
1266 municipalities to determine local compliance with program  
1267 requirements, the corporation shall not receive appropriations  
1268 from the fund for administrative or personnel costs. For the  
1269 purpose of implementing the compliance monitoring provisions of  
1270 s. 420.9075(9), the corporation may request a maximum of one-  
1271 quarter of 1 percent of the annual appropriation per state  
1272 fiscal year. When such funding is appropriated, the corporation  
1273 shall deduct the amount appropriated prior to calculating the  
1274 local housing distribution pursuant to ss. 420.9072 and  
1275 420.9073.

1276 Section 30. Section 201.0205, Florida Statutes, is amended

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1277 to read:

1278           201.0205 Counties that have implemented ch. 83-220;  
1279 inapplicability of 10-cent tax increase by s. 2, ch. 92-317,  
1280 Laws of Florida.—The 10-cent tax increase in the documentary  
1281 stamp tax levied by s. 2, chapter 92-317, does not apply to  
1282 deeds and other taxable instruments relating to real property  
1283 located in any county that has implemented the provisions of  
1284 chapter 83-220, Laws of Florida, as amended by chapters 84-270,  
1285 86-152, and 89-252, Laws of Florida. Each such county and each  
1286 eligible jurisdiction within such county shall not be eligible  
1287 to participate in programs funded pursuant to s. 420.9073(1) ~~s.~~  
1288 ~~201.15(9)~~. However, each such county and each eligible  
1289 jurisdiction within such county shall be eligible to participate  
1290 in programs funded pursuant to s. 420.9073(2) ~~s. 201.15(10)~~.

1291           Section 31. This act shall take effect July 1, 2011.