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2011 Legislature

1 A bill to be entitled
2 An act relating to affordable housing; reenacting s.
3 159.807(4), F.S., relating to the state allocation pool
4 used to confirm private activity bonds; reenacting s.
5 193.018, F.S., relating to lands that are owned by a
6 community land trust and used to provide affordable
7 housing; reenacting s. 196.196(5), F.S., relating to a tax
8 exemption provided to organizations that provide low-
9 income housing; reenacting s. 196.1978, F.S., relating to
10 a property exemption for affordable housing owned by a
11 nonprofit entity; reenacting s. 212.055(2)(d), F.S.,
12 relating to the use of a local government infrastructure
13 surtax; reenacting s. 163.3202(2), F.S., relating to
14 requirements for local land development regulations;
15 reenacting s. 420.503(25), F.S., relating to a definition
16 under the Florida Housing Finance Corporation Act;
17 reenacting s. 420.507(47), F.S., relating to powers of the
18 corporation to select developers and general contractors;
19 reenacting s. 420.5087(6)(c) and (l), F.S., relating to
20 the State Apartment Incentive Loan Program; reenacting s.
21 420.622(5), F.S., relating to the State Office on
22 Homelessness; reenacting s. 420.628, F.S., relating to
23 affordable housing for children and young adults leaving
24 foster care; reenacting s. 420.9071(4), (8), (16), (25),
25 (29), and (30), F.S., relating to definitions under the
26 State Housing Initiatives Partnership Act; reenacting s.
27 420.9072(6) and (7), F.S., relating to the distribution of
28 funds under the State Housing Initiatives Partnership

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29 Program; reenacting s. 420.9073(1), (2), (5), (6), and
 30 (7), F.S., relating to distributions of local housing
 31 funds; reenacting s. 420.9075(1), (3), (5), (8), (10) (a)
 32 and (h), (13) (b), and (14), F.S., relating to local
 33 housing assistance plans; reenacting s. 420.9076(2) (h),
 34 (5), (6), and (7) (a), F.S., relating to the adoption of
 35 affordable housing incentive strategies by the governing
 36 board of a county or municipality; repealing s. 420.9078,
 37 F.S., relating to the state administration of funds
 38 remaining in the Local Government Housing Trust Fund;
 39 reenacting s. 420.9079, F.S., relating to the Local
 40 Government Housing Trust Fund; reenacting s. 1001.43(12),
 41 F.S., relating to the use by school districts of certain
 42 lands for affordable housing; providing for retroactive
 43 operation of the act with respect to provisions of law
 44 amended, created, or repealed by chapter 2009-96, Laws of
 45 Florida; providing for an exception under specified
 46 circumstances; providing an effective date.

47
 48 WHEREAS, the Florida Legislature enacted Senate Bill 360 in
 49 2009 for important public policy purposes, and

50 WHEREAS, litigation has called into question the
 51 constitutional validity of this important piece of legislation,
 52 and

53 WHEREAS, the Legislature wishes to protect those who relied
 54 on the changes made by Senate Bill 360 and to preserve the
 55 Florida Statutes intact and cure any alleged constitutional
 56 violation, NOW, THEREFORE,

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

59
60 Section 1. Subsection (4) of section 159.807, Florida
61 Statutes, is reenacted to read:

62 159.807 State allocation pool.—

63 (4) (a) The state allocation pool shall also be used to
64 provide written confirmations for private activity bonds that
65 are to be issued by state agencies, which bonds, notwithstanding
66 any other provisions of this part, shall receive priority in the
67 use of the pool available at the time the notice of intent to
68 issue such bonds is filed with the division.

69 (b) Notwithstanding the provisions of paragraph (a), on or
70 before November 15 of each year, the Florida Housing Finance
71 Corporation's access to the state allocation pool is limited to
72 the amount of the corporation's initial allocation under s.
73 159.804. Thereafter, the corporation may not receive more than
74 80 percent of the amount in the state allocation pool on
75 November 16 of each year, and may not receive more than 80
76 percent of any additional amounts that become available during
77 each year. The limitations of this paragraph do not apply to the
78 distribution of the unused allocation of the state volume
79 limitation to the Florida Housing Finance Corporation under s.
80 159.81(2) (b), (c), and (d).

81 Section 2. Section 193.018, Florida Statutes, is reenacted
82 to read:

83 193.018 Land owned by a community land trust used to
84 provide affordable housing; assessment; structural improvements,

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85 condominium parcels, and cooperative parcels.—

86 (1) As used in this section, the term "community land
87 trust" means a nonprofit entity that is qualified as charitable
88 under s. 501(c)(3) of the Internal Revenue Code and has as one
89 of its purposes the acquisition of land to be held in perpetuity
90 for the primary purpose of providing affordable homeownership.

91 (2) A community land trust may convey structural
92 improvements, condominium parcels, or cooperative parcels, that
93 are located on specific parcels of land that are identified by a
94 legal description contained in and subject to a ground lease
95 having a term of at least 99 years, for the purpose of providing
96 affordable housing to natural persons or families who meet the
97 extremely-low-income, very-low-income, low-income, or moderate-
98 income limits specified in s. 420.0004, or the income limits for
99 workforce housing, as defined in s. 420.5095(3). A community
100 land trust shall retain a preemptive option to purchase any
101 structural improvements, condominium parcels, or cooperative
102 parcels on the land at a price determined by a formula specified
103 in the ground lease which is designed to ensure that the
104 structural improvements, condominium parcels, or cooperative
105 parcels remain affordable.

106 (3) In arriving at just valuation under s. 193.011, a
107 structural improvement, condominium parcel, or cooperative
108 parcel providing affordable housing on land owned by a community
109 land trust, and the land owned by a community land trust that is
110 subject to a 99-year or longer ground lease, shall be assessed
111 using the following criteria:

112 (a) The amount a willing purchaser would pay a willing

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113 seller for the land is limited to an amount commensurate with
 114 the terms of the ground lease that restricts the use of the land
 115 to the provision of affordable housing in perpetuity.

116 (b) The amount a willing purchaser would pay a willing
 117 seller for resale-restricted improvements, condominium parcels,
 118 or cooperative parcels is limited to the amount determined by
 119 the formula in the ground lease.

120 (c) If the ground lease and all amendments and supplements
 121 thereto, or a memorandum documenting how such lease and
 122 amendments or supplements restrict the price at which the
 123 improvements, condominium parcels, or cooperative parcels may be
 124 sold, is recorded in the official public records of the county
 125 in which the leased land is located, the recorded lease and any
 126 amendments and supplements, or the recorded memorandum, shall be
 127 deemed a land use regulation during the term of the lease as
 128 amended or supplemented.

129 Section 3. Subsection (5) of section 196.196, Florida
 130 Statutes, is reenacted to read:

131 196.196 Determining whether property is entitled to
 132 charitable, religious, scientific, or literary exemption.-

133 (5) (a) Property owned by an exempt organization qualified
 134 as charitable under s. 501(c) (3) of the Internal Revenue Code is
 135 used for a charitable purpose if the organization has taken
 136 affirmative steps to prepare the property to provide affordable
 137 housing to persons or families that meet the extremely-low-
 138 income, very-low-income, low-income, or moderate-income limits,
 139 as specified in s. 420.0004. The term "affirmative steps" means
 140 environmental or land use permitting activities, creation of

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141 architectural plans or schematic drawings, land clearing or site
142 preparation, construction or renovation activities, or other
143 similar activities that demonstrate a commitment of the property
144 to providing affordable housing.

145 (b)1. If property owned by an organization granted an
146 exemption under this subsection is transferred for a purpose
147 other than directly providing affordable homeownership or rental
148 housing to persons or families who meet the extremely-low-
149 income, very-low-income, low-income, or moderate-income limits,
150 as specified in s. 420.0004, or is not in actual use to provide
151 such affordable housing within 5 years after the date the
152 organization is granted the exemption, the property appraiser
153 making such determination shall serve upon the organization that
154 illegally or improperly received the exemption a notice of
155 intent to record in the public records of the county a notice of
156 tax lien against any property owned by that organization in the
157 county, and such property shall be identified in the notice of
158 tax lien. The organization owning such property is subject to
159 the taxes otherwise due and owing as a result of the failure to
160 use the property to provide affordable housing plus 15 percent
161 interest per annum and a penalty of 50 percent of the taxes
162 owed.

163 2. Such lien, when filed, attaches to any property
164 identified in the notice of tax lien owned by the organization
165 that illegally or improperly received the exemption. If such
166 organization no longer owns property in the county but owns
167 property in any other county in the state, the property
168 appraiser shall record in each such other county a notice of tax

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169 | lien identifying the property owned by such organization in such
170 | county which shall become a lien against the identified
171 | property. Before any such lien may be filed, the organization so
172 | notified must be given 30 days to pay the taxes, penalties, and
173 | interest.

174 | 3. If an exemption is improperly granted as a result of a
175 | clerical mistake or an omission by the property appraiser, the
176 | organization improperly receiving the exemption shall not be
177 | assessed a penalty or interest.

178 | 4. The 5-year limitation specified in this subsection may
179 | be extended if the holder of the exemption continues to take
180 | affirmative steps to develop the property for the purposes
181 | specified in this subsection.

182 | Section 4. Section 196.1978, Florida Statutes, is
183 | reenacted to read:

184 | 196.1978 Affordable housing property exemption.—Property
185 | used to provide affordable housing serving eligible persons as
186 | defined by s. 159.603(7) and natural persons or families meeting
187 | the extremely-low-income, very-low-income, low-income, or
188 | moderate-income limits specified in s. 420.0004, which property
189 | is owned entirely by a nonprofit entity that is a corporation
190 | not for profit, qualified as charitable under s. 501(c)(3) of
191 | the Internal Revenue Code and in compliance with Rev. Proc. 96-
192 | 32, 1996-1 C.B. 717, or a Florida-based limited partnership, the
193 | sole general partner of which is a corporation not for profit
194 | which is qualified as charitable under s. 501(c)(3) of the
195 | Internal Revenue Code and which complies with Rev. Proc. 96-32,
196 | 1996-1 C.B. 717, shall be considered property owned by an exempt

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197 | entity and used for a charitable purpose, and those portions of
198 | the affordable housing property which provide housing to natural
199 | persons or families classified as extremely low income, very low
200 | income, low income, or moderate income under s. 420.0004 shall
201 | be exempt from ad valorem taxation to the extent authorized in
202 | s. 196.196. All property identified in this section shall comply
203 | with the criteria for determination of exempt status to be
204 | applied by property appraisers on an annual basis as defined in
205 | s. 196.195. The Legislature intends that any property owned by a
206 | limited liability company or limited partnership which is
207 | disregarded as an entity for federal income tax purposes
208 | pursuant to Treasury Regulation 301.7701-3(b)(1)(ii) shall be
209 | treated as owned by its sole member or sole general partner.

210 | Section 5. Paragraph (d) of subsection (2) of section
211 | 212.055, Florida Statutes, is reenacted to read:

212 | 212.055 Discretionary sales surtaxes; legislative intent;
213 | authorization and use of proceeds.—It is the legislative intent
214 | that any authorization for imposition of a discretionary sales
215 | surtax shall be published in the Florida Statutes as a
216 | subsection of this section, irrespective of the duration of the
217 | levy. Each enactment shall specify the types of counties
218 | authorized to levy; the rate or rates which may be imposed; the
219 | maximum length of time the surtax may be imposed, if any; the
220 | procedure which must be followed to secure voter approval, if
221 | required; the purpose for which the proceeds may be expended;
222 | and such other requirements as the Legislature may provide.
223 | Taxable transactions and administrative procedures shall be as
224 | provided in s. 212.054.

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225 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—
 226 (d) The proceeds of the surtax authorized by this
 227 subsection and any accrued interest shall be expended by the
 228 school district, within the county and municipalities within the
 229 county, or, in the case of a negotiated joint county agreement,
 230 within another county, to finance, plan, and construct
 231 infrastructure; to acquire land for public recreation,
 232 conservation, or protection of natural resources; or to finance
 233 the closure of county-owned or municipally owned solid waste
 234 landfills that have been closed or are required to be closed by
 235 order of the Department of Environmental Protection. Any use of
 236 the proceeds or interest for purposes of landfill closure before
 237 July 1, 1993, is ratified. The proceeds and any interest may not
 238 be used for the operational expenses of infrastructure, except
 239 that a county that has a population of fewer than 75,000 and
 240 that is required to close a landfill may use the proceeds or
 241 interest for long-term maintenance costs associated with
 242 landfill closure. Counties, as defined in s. 125.011, and
 243 charter counties may, in addition, use the proceeds or interest
 244 to retire or service indebtedness incurred for bonds issued
 245 before July 1, 1987, for infrastructure purposes, and for bonds
 246 subsequently issued to refund such bonds. Any use of the
 247 proceeds or interest for purposes of retiring or servicing
 248 indebtedness incurred for refunding bonds before July 1, 1999,
 249 is ratified.

250 1. For the purposes of this paragraph, the term
 251 "infrastructure" means:
 252 a. Any fixed capital expenditure or fixed capital outlay

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253 associated with the construction, reconstruction, or improvement
254 of public facilities that have a life expectancy of 5 or more
255 years and any related land acquisition, land improvement,
256 design, and engineering costs.

257 b. A fire department vehicle, an emergency medical service
258 vehicle, a sheriff's office vehicle, a police department
259 vehicle, or any other vehicle, and the equipment necessary to
260 outfit the vehicle for its official use or equipment that has a
261 life expectancy of at least 5 years.

262 c. Any expenditure for the construction, lease, or
263 maintenance of, or provision of utilities or security for,
264 facilities, as defined in s. 29.008.

265 d. Any fixed capital expenditure or fixed capital outlay
266 associated with the improvement of private facilities that have
267 a life expectancy of 5 or more years and that the owner agrees
268 to make available for use on a temporary basis as needed by a
269 local government as a public emergency shelter or a staging area
270 for emergency response equipment during an emergency officially
271 declared by the state or by the local government under s.
272 252.38. Such improvements are limited to those necessary to
273 comply with current standards for public emergency evacuation
274 shelters. The owner must enter into a written contract with the
275 local government providing the improvement funding to make the
276 private facility available to the public for purposes of
277 emergency shelter at no cost to the local government for a
278 minimum of 10 years after completion of the improvement, with
279 the provision that the obligation will transfer to any
280 subsequent owner until the end of the minimum period.

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281 e. Any land acquisition expenditure for a residential
282 housing project in which at least 30 percent of the units are
283 affordable to individuals or families whose total annual
284 household income does not exceed 120 percent of the area median
285 income adjusted for household size, if the land is owned by a
286 local government or by a special district that enters into a
287 written agreement with the local government to provide such
288 housing. The local government or special district may enter into
289 a ground lease with a public or private person or entity for
290 nominal or other consideration for the construction of the
291 residential housing project on land acquired pursuant to this
292 sub-subparagraph.

293 2. Notwithstanding any other provision of this subsection,
294 a local government infrastructure surtax imposed or extended
295 after July 1, 1998, may allocate up to 15 percent of the surtax
296 proceeds for deposit in a trust fund within the county's
297 accounts created for the purpose of funding economic development
298 projects having a general public purpose of improving local
299 economies, including the funding of operational costs and
300 incentives related to economic development. The ballot statement
301 must indicate the intention to make an allocation under the
302 authority of this subparagraph.

303 Section 6. Subsection (2) of section 163.3202, Florida
304 Statutes, is reenacted to read:

305 163.3202 Land development regulations.—

306 (2) Local land development regulations shall contain
307 specific and detailed provisions necessary or desirable to
308 implement the adopted comprehensive plan and shall at a minimum:

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- 309 (a) Regulate the subdivision of land.
- 310 (b) Regulate the use of land and water for those land use
311 categories included in the land use element and ensure the
312 compatibility of adjacent uses and provide for open space.
- 313 (c) Provide for protection of potable water wellfields.
- 314 (d) Regulate areas subject to seasonal and periodic
315 flooding and provide for drainage and stormwater management.
- 316 (e) Ensure the protection of environmentally sensitive
317 lands designated in the comprehensive plan.
- 318 (f) Regulate signage.
- 319 (g) Provide that public facilities and services meet or
320 exceed the standards established in the capital improvements
321 element required by s. 163.3177 and are available when needed
322 for the development, or that development orders and permits are
323 conditioned on the availability of these public facilities and
324 services necessary to serve the proposed development. A local
325 government may not issue a development order or permit that
326 results in a reduction in the level of services for the affected
327 public facilities below the level of services provided in the
328 local government's comprehensive plan.
- 329 (h) Ensure safe and convenient onsite traffic flow,
330 considering needed vehicle parking.
- 331 (i) Maintain the existing density of residential
332 properties or recreational vehicle parks if the properties are
333 intended for residential use and are located in the
334 unincorporated areas that have sufficient infrastructure, as
335 determined by a local governing authority, and are not located
336 within a coastal high-hazard area under s. 163.3178.

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337 Section 7. Subsection (25) of section 420.503, Florida
 338 Statutes, is reenacted to read:

339 420.503 Definitions.—As used in this part, the term:

340 (25) "Moderate rehabilitation" means repair or restoration
 341 of a dwelling unit when the value of such repair or restoration
 342 is 40 percent or less of the value of the dwelling unit but not
 343 less than \$10,000.

344 Section 8. Subsection (47) of section 420.507, Florida
 345 Statutes, is reenacted to read:

346 420.507 Powers of the corporation.—The corporation shall
 347 have all the powers necessary or convenient to carry out and
 348 effectuate the purposes and provisions of this part, including
 349 the following powers which are in addition to all other powers
 350 granted by other provisions of this part:

351 (47) To provide by rule in connection with any corporation
 352 competitive program, criteria establishing a preference for
 353 developers and general contractors domiciled in this state and
 354 for developers and general contractors, regardless of domicile,
 355 who have substantial experience in developing or building
 356 affordable housing through the corporation's programs.

357 (a) In evaluating whether a developer or general
 358 contractor is domiciled in this state, the corporation shall
 359 consider whether the developer's or general contractor's
 360 principal office is located in this state and whether a majority
 361 of the developer's or general contractor's principals and
 362 financial beneficiaries reside in Florida.

363 (b) In evaluating whether a developer or general
 364 contractor has substantial experience, the corporation shall

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365 consider whether the developer or general contractor has
366 completed at least five developments using funds either provided
367 by or administered by the corporation.

368 Section 9. Paragraphs (c) and (l) of subsection (6) of
369 section 420.5087, Florida Statutes, are reenacted to read:

370 420.5087 State Apartment Incentive Loan Program.—There is
371 hereby created the State Apartment Incentive Loan Program for
372 the purpose of providing first, second, or other subordinated
373 mortgage loans or loan guarantees to sponsors, including for-
374 profit, nonprofit, and public entities, to provide housing
375 affordable to very-low-income persons.

376 (6) On all state apartment incentive loans, except loans
377 made to housing communities for the elderly to provide for
378 lifesafety, building preservation, health, sanitation, or
379 security-related repairs or improvements, the following
380 provisions shall apply:

381 (c) The corporation shall provide by rule for the
382 establishment of a review committee composed of the department
383 and corporation staff and shall establish by rule a scoring
384 system for evaluation and competitive ranking of applications
385 submitted in this program, including, but not limited to, the
386 following criteria:

387 1. Tenant income and demographic targeting objectives of
388 the corporation.

389 2. Targeting objectives of the corporation which will
390 ensure an equitable distribution of loans between rural and
391 urban areas.

392 3. Sponsor's agreement to reserve the units for persons or

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393 families who have incomes below 50 percent of the state or local
394 median income, whichever is higher, for a time period to exceed
395 the minimum required by federal law or the provisions of this
396 part.

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

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

401 b. Forty percent of the units in the project for persons
402 or families who have incomes that do not exceed 60 percent of
403 the state or local median income, whichever is higher, without
404 requiring a greater amount of the loans as provided in this
405 section.

406 5. Provision for tenant counseling.

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

409 7. Projects requiring the least amount of a state
410 apartment incentive loan compared to overall project cost except
411 that the share of the loan attributable to units serving
412 extremely-low-income persons shall be excluded from this
413 requirement.

414 8. Local government contributions and local government
415 comprehensive planning and activities that promote affordable
416 housing.

417 9. Project feasibility.

418 10. Economic viability of the project.

419 11. Commitment of first mortgage financing.

420 12. Sponsor's prior experience, including whether the

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421 developer and general contractor have substantial experience, as
422 provided in s. 420.507(47).

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

424 14. Projects that directly implement or assist welfare-to-
425 work transitioning.

426 15. Projects that reserve units for extremely-low-income
427 persons.

428 16. Projects that include green building principles,
429 storm-resistant construction, or other elements that reduce
430 long-term costs relating to maintenance, utilities, or
431 insurance.

432 17. Domicile of the developer and general contractor, as
433 provided in s. 420.507(47).

434 (1) The proceeds of all loans shall be used for new
435 construction, moderate rehabilitation, or substantial
436 rehabilitation which creates or preserves affordable, safe, and
437 sanitary housing units.

438 Section 10. Subsection (5) of section 420.622, Florida
439 Statutes, is reenacted to read:

440 420.622 State Office on Homelessness; Council on
441 Homelessness.—

442 (5) The State Office on Homelessness, with the concurrence
443 of the Council on Homelessness, may administer moneys
444 appropriated to it to provide homeless housing assistance grants
445 annually to lead agencies for local homeless assistance
446 continuum of care, as recognized by the State Office on
447 Homelessness, to acquire, construct, or rehabilitate
448 transitional or permanent housing units for homeless persons.

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449 | These moneys shall consist of any sums that the state may
450 | appropriate, as well as money received from donations, gifts,
451 | bequests, or otherwise from any public or private source, which
452 | are intended to acquire, construct, or rehabilitate transitional
453 | or permanent housing units for homeless persons.

454 | (a) Grant applicants shall be ranked competitively.
455 | Preference must be given to applicants who leverage additional
456 | private funds and public funds, particularly federal funds
457 | designated for the acquisition, construction, or rehabilitation
458 | of transitional or permanent housing for homeless persons; who
459 | acquire, build, or rehabilitate the greatest number of units;
460 | and who acquire, build, or rehabilitate in catchment areas
461 | having the greatest need for housing for the homeless relative
462 | to the population of the catchment area.

463 | (b) Funding for any particular project may not exceed
464 | \$750,000.

465 | (c) Projects must reserve, for a minimum of 10 years, the
466 | number of units acquired, constructed, or rehabilitated through
467 | homeless housing assistance grant funding to serve persons who
468 | are homeless at the time they assume tenancy.

469 | (d) No more than two grants may be awarded annually in any
470 | given local homeless assistance continuum of care catchment
471 | area.

472 | (e) A project may not be funded which is not included in
473 | the local homeless assistance continuum of care plan, as
474 | recognized by the State Office on Homelessness, for the
475 | catchment area in which the project is located.

476 | (f) The maximum percentage of funds that the State Office

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477 on Homelessness and each applicant may spend on administrative
478 costs is 5 percent.

479 Section 11. Section 420.628, Florida Statutes, is
480 reenacted to read:

481 420.628 Affordable housing for children and young adults
482 leaving foster care; legislative findings and intent.—

483 (1)(a) The Legislature finds that there are many young
484 adults who, through no fault of their own, live in foster
485 families, group homes, and institutions, and face numerous
486 barriers to a successful transition to adulthood. Young adults
487 who are leaving the child welfare system may enter adulthood
488 lacking the knowledge, skills, attitudes, habits, and
489 relationships that will enable them to become productive members
490 of society.

491 (b) The Legislature further finds that the main barriers
492 to safe and affordable housing for such young adults are cost,
493 lack of availability, the unwillingness of landlords to rent to
494 such youth due to perceived regulatory barriers, and a lack of
495 knowledge about how to be a good tenant. These barriers cause
496 young adults to be at risk of becoming homeless.

497 (c) The Legislature also finds that young adults who leave
498 the child welfare system are disproportionately represented in
499 the homeless population. Without the stability of safe and
500 affordable housing, all other services, training, and
501 opportunities provided to such young adults may not be
502 effective. Making affordable housing available will decrease the
503 chance of homelessness and may increase the ability of such
504 young adults to live independently.

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505 (d) The Legislature intends that the Florida Housing
506 Finance Corporation, agencies within the State Housing
507 Initiative Partnership Program, local housing finance agencies,
508 public housing authorities, and their agents, and other
509 providers of affordable housing coordinate with the Department
510 of Children and Family Services, their agents, and community-
511 based care providers who provide services under s. 409.1671 to
512 develop and implement strategies and procedures designed to make
513 affordable housing available whenever and wherever possible to
514 young adults who leave the child welfare system.

515 (2) Young adults who leave the child welfare system meet
516 the definition of eligible persons under ss. 420.503(17) and
517 420.9071(10) for affordable housing, and are encouraged to
518 participate in federal, state, and local affordable housing
519 programs. Students deemed to be eligible occupants under 26
520 U.S.C. s. 42(i)(3)(D) shall be considered eligible persons for
521 purposes of all projects funded under this chapter.

522 Section 12. Subsections (4), (8), (16), (25), (29), and
523 (30) of section 420.9071, Florida Statutes, are reenacted to
524 read:

525 420.9071 Definitions.—As used in ss. 420.907–420.9079, the
526 term:

527 (4) "Annual gross income" means annual income as defined
528 under the Section 8 housing assistance payments programs in 24
529 C.F.R. part 5; annual income as reported under the census long
530 form for the recent available decennial census; or adjusted
531 gross income as defined for purposes of reporting under Internal
532 Revenue Service Form 1040 for individual federal annual income

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533 tax purposes or as defined by standard practices used in the
 534 lending industry as detailed in the local housing assistance
 535 plan and approved by the corporation. Counties and eligible
 536 municipalities shall calculate income by annualizing verified
 537 sources of income for the household as the amount of income to
 538 be received in a household during the 12 months following the
 539 effective date of the determination.

540 (8) "Eligible housing" means any real and personal
 541 property located within the county or the eligible municipality
 542 which is designed and intended for the primary purpose of
 543 providing decent, safe, and sanitary residential units that are
 544 designed to meet the standards of the Florida Building Code or
 545 previous building codes adopted under chapter 553, or
 546 manufactured housing constructed after June 1994 and installed
 547 in accordance with the installation standards for mobile or
 548 manufactured homes contained in rules of the Department of
 549 Highway Safety and Motor Vehicles, for home ownership or rental
 550 for eligible persons as designated by each county or eligible
 551 municipality participating in the State Housing Initiatives
 552 Partnership Program.

553 (16) "Local housing incentive strategies" means local
 554 regulatory reform or incentive programs to encourage or
 555 facilitate affordable housing production, which include at a
 556 minimum, assurance that permits as defined in s. 163.3164(7) and
 557 (8) for affordable housing projects are expedited to a greater
 558 degree than other projects; an ongoing process for review of
 559 local policies, ordinances, regulations, and plan provisions
 560 that increase the cost of housing prior to their adoption; and a

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561 | schedule for implementing the incentive strategies. Local
562 | housing incentive strategies may also include other regulatory
563 | reforms, such as those enumerated in s. 420.9076 or those
564 | recommended by the affordable housing advisory committee in its
565 | triennial evaluation of the implementation of affordable housing
566 | incentives, and adopted by the local governing body.

567 | (25) "Recaptured funds" means funds that are recouped by a
568 | county or eligible municipality in accordance with the recapture
569 | provisions of its local housing assistance plan pursuant to s.
570 | 420.9075(5)(h) from eligible persons or eligible sponsors, which
571 | funds were not used for assistance to an eligible household for
572 | an eligible activity, when there is a default on the terms of a
573 | grant award or loan award.

574 | (29) "Assisted housing" or "assisted housing development"
575 | means a rental housing development, including rental housing in
576 | a mixed-use development, that received or currently receives
577 | funding from any federal or state housing program.

578 | (30) "Preservation" means actions taken to keep rents in
579 | existing assisted housing affordable for extremely-low-income,
580 | very-low-income, low-income, and moderate-income households
581 | while ensuring that the property stays in good physical and
582 | financial condition for an extended period.

583 | Section 13. Subsections (6) and (7) of section 420.9072,
584 | Florida Statutes, are reenacted to read:

585 | 420.9072 State Housing Initiatives Partnership Program.—
586 | The State Housing Initiatives Partnership Program is created for
587 | the purpose of providing funds to counties and eligible
588 | municipalities as an incentive for the creation of local housing

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589 | partnerships, to expand production of and preserve affordable
 590 | housing, to further the housing element of the local government
 591 | comprehensive plan specific to affordable housing, and to
 592 | increase housing-related employment.

593 | (6) The moneys that otherwise would be distributed
 594 | pursuant to s. 420.9073 to a local government that does not meet
 595 | the program's requirements for receipts of such distributions
 596 | shall remain in the Local Government Housing Trust Fund to be
 597 | administered by the corporation.

598 | (7) A county or an eligible municipality must expend its
 599 | portion of the local housing distribution only to implement a
 600 | local housing assistance plan or as provided in this subsection.

601 | (a) A county or an eligible municipality may not expend
 602 | its portion of the local housing distribution to provide rent
 603 | subsidies; however, this does not prohibit the use of funds for
 604 | security and utility deposit assistance.

605 | (b) A county or an eligible municipality may expend a
 606 | portion of the local housing distribution to provide a one-time
 607 | relocation grant to persons who meet the income requirements of
 608 | the State Housing Initiatives Partnership Program and who are
 609 | subject to eviction from rental property located in the county
 610 | or eligible municipality due to the foreclosure of the rental
 611 | property. In order to receive a grant under this paragraph, a
 612 | person must provide the county or eligible municipality with
 613 | proof of meeting the income requirements of a very-low-income
 614 | household, a low-income household, or a moderate-income
 615 | household; a notice of eviction; and proof that the rent has
 616 | been paid for at least 3 months before the date of eviction,

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617 including the month that the notice of eviction was served.
618 Relocation assistance under this paragraph is limited to a one-
619 time grant of not more than \$5,000 and is not limited to persons
620 who are subject to eviction from projects funded under the State
621 Housing Initiatives Partnership Program. This paragraph expires
622 July 1, 2010.

623 Section 14. Subsections (1), (2), (5), (6), and (7) of
624 section 420.9073, Florida Statutes, are reenacted to read:

625 420.9073 Local housing distributions.—

626 (1) Distributions calculated in this section shall be
627 disbursed on a quarterly or more frequent basis by the
628 corporation pursuant to s. 420.9072, subject to availability of
629 funds. Each county's share of the funds to be distributed from
630 the portion of the funds in the Local Government Housing Trust
631 Fund received pursuant to s. 201.15(9) shall be calculated by
632 the corporation for each fiscal year as follows:

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

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

641 1. Multiply each county's percentage of the total state
642 population excluding the population of any county that has
643 implemented the provisions of chapter 83-220, Laws of Florida,
644 as amended by chapters 84-270, 86-152, and 89-252, Laws of

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645 Florida, by the total funds to be distributed.

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

649 3. For each county in which the result in subparagraph 1.
650 is greater than the guaranteed amount as determined in
651 subsection (3), the amount calculated in subparagraph 1. shall
652 be reduced by the guaranteed amount. The result for each such
653 county shall be expressed as a percentage of the amounts so
654 determined for all counties. Each such county shall receive an
655 additional share equal to such percentage multiplied by the
656 total funds received by the Local Government Housing Trust Fund
657 pursuant to s. 201.15(9) reduced by the guaranteed amount paid
658 to all counties.

659 (2) Distributions calculated in this section shall be
660 disbursed on a quarterly or more frequent basis by the
661 corporation pursuant to s. 420.9072, subject to availability of
662 funds. Each county's share of the funds to be distributed from
663 the portion of the funds in the Local Government Housing Trust
664 Fund received pursuant to s. 201.15(10) shall be calculated by
665 the corporation for each fiscal year as follows:

666 (a) Each county shall receive the guaranteed amount for
667 each fiscal year.

668 (b) Each county may receive an additional share calculated
669 as follows:

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

672 2. If the result in subparagraph 1. is less than the

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673 | guaranteed amount as determined in subsection (3), that county's
674 | additional share shall be zero.

675 | 3. For each county in which the result in subparagraph 1.
676 | is greater than the guaranteed amount, the amount calculated in
677 | subparagraph 1. shall be reduced by the guaranteed amount. The
678 | result for each such county shall be expressed as a percentage
679 | of the amounts so determined for all counties. Each such county
680 | shall receive an additional share equal to this percentage
681 | multiplied by the total funds received by the Local Government
682 | Housing Trust Fund pursuant to s. 201.15(10) as reduced by the
683 | guaranteed amount paid to all counties.

684 | (5) Notwithstanding subsections (1)-(4), the corporation
685 | may withhold up to \$5 million of the total amount distributed
686 | each fiscal year from the Local Government Housing Trust Fund to
687 | provide additional funding to counties and eligible
688 | municipalities where a state of emergency has been declared by
689 | the Governor pursuant to chapter 252. Any portion of the
690 | withheld funds not distributed by the end of the fiscal year
691 | shall be distributed as provided in subsections (1) and (2).

692 | (6) Notwithstanding subsections (1)-(4), the corporation
693 | may withhold up to \$5 million from the total amount distributed
694 | each fiscal year from the Local Government Housing Trust Fund to
695 | provide funding to counties and eligible municipalities to
696 | purchase properties subject to a State Housing Initiative
697 | Partnership Program lien and on which foreclosure proceedings
698 | have been initiated by any mortgagee. Each county and eligible
699 | municipality that receives funds under this subsection shall
700 | repay such funds to the corporation not later than the

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701 expenditure deadline for the fiscal year in which the funds were
702 awarded. Amounts not repaid shall be withheld from the
703 subsequent year's distribution. Any portion of such funds not
704 distributed under this subsection by the end of the fiscal year
705 shall be distributed as provided in subsections (1) and (2).

706 (7) A county receiving local housing distributions under
707 this section or an eligible municipality that receives local
708 housing distributions under an interlocal agreement shall expend
709 those funds in accordance with the provisions of ss. 420.907-
710 420.9079, rules of the corporation, and the county's local
711 housing assistance plan.

712 Section 15. Subsections (1), (3), (5), and (8), paragraphs
713 (a) and (h) of subsection (10), paragraph (b) of subsection
714 (13), and subsection (14) of section 420.9075, Florida Statutes,
715 are reenacted to read:

716 420.9075 Local housing assistance plans; partnerships.—

717 (1) (a) Each county or eligible municipality participating
718 in the State Housing Initiatives Partnership Program shall
719 develop and implement a local housing assistance plan created to
720 make affordable residential units available to persons of very
721 low income, low income, or moderate income and to persons who
722 have special housing needs, including, but not limited to,
723 homeless people, the elderly, migrant farmworkers, and persons
724 with disabilities. Counties or eligible municipalities may
725 include strategies to assist persons and households having
726 annual incomes of not more than 140 percent of area median
727 income. The plans are intended to increase the availability of
728 affordable residential units by combining local resources and

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729 cost-saving measures into a local housing partnership and using
730 private and public funds to reduce the cost of housing.

731 (b) Local housing assistance plans may allocate funds to:

732 1. Implement local housing assistance strategies for the
733 provision of affordable housing.

734 2. Supplement funds available to the corporation to
735 provide enhanced funding of state housing programs within the
736 county or the eligible municipality.

737 3. Provide the local matching share of federal affordable
738 housing grants or programs.

739 4. Fund emergency repairs, including, but not limited to,
740 repairs performed by existing service providers under
741 weatherization assistance programs under ss. 409.509-409.5093.

742 5. Further the housing element of the local government
743 comprehensive plan adopted pursuant to s. 163.3184, specific to
744 affordable housing.

745 (3) (a) Each local housing assistance plan shall include a
746 definition of essential service personnel for the county or
747 eligible municipality, including, but not limited to, teachers
748 and educators, other school district, community college, and
749 university employees, police and fire personnel, health care
750 personnel, skilled building trades personnel, and other job
751 categories.

752 (b) Each county and each eligible municipality is
753 encouraged to develop a strategy within its local housing
754 assistance plan that emphasizes the recruitment and retention of
755 essential service personnel. The local government is encouraged
756 to involve public and private sector employers. Compliance with

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757 the eligibility criteria established under this strategy shall
758 be verified by the county or eligible municipality.

759 (c) Each county and each eligible municipality is
760 encouraged to develop a strategy within its local housing
761 assistance plan that addresses the needs of persons who are
762 deprived of affordable housing due to the closure of a mobile
763 home park or the conversion of affordable rental units to
764 condominiums.

765 (d) Each county and each eligible municipality shall
766 describe initiatives in the local housing assistance plan to
767 encourage or require innovative design, green building
768 principles, storm-resistant construction, or other elements that
769 reduce long-term costs relating to maintenance, utilities, or
770 insurance.

771 (e) Each county and each eligible municipality is
772 encouraged to develop a strategy within its local housing
773 assistance plan which provides program funds for the
774 preservation of assisted housing.

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

778 (a) At least 65 percent of the funds made available in
779 each county and eligible municipality from the local housing
780 distribution must be reserved for home ownership for eligible
781 persons.

782 (b) At least 75 percent of the funds made available in
783 each county and eligible municipality from the local housing
784 distribution must be reserved for construction, rehabilitation,

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785 or emergency repair of affordable, eligible housing.

786 (c) Not more than 20 percent of the funds made available
787 in each county and eligible municipality from the local housing
788 distribution may be used for manufactured housing.

789 (d) The sales price or value of new or existing eligible
790 housing may not exceed 90 percent of the average area purchase
791 price in the statistical area in which the eligible housing is
792 located. Such average area purchase price may be that calculated
793 for any 12-month period beginning not earlier than the fourth
794 calendar year prior to the year in which the award occurs or as
795 otherwise established by the United States Department of the
796 Treasury.

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

802 2. At least 30 percent of the funds deposited into the
803 local housing assistance trust fund must be reserved for awards
804 to very-low-income persons or eligible sponsors who will serve
805 very-low-income persons and at least an additional 30 percent of
806 the funds deposited into the local housing assistance trust fund
807 must be reserved for awards to low-income persons or eligible
808 sponsors who will serve low-income persons. This subparagraph
809 does not apply to a county or an eligible municipality that
810 includes, or has included within the previous 5 years, an area
811 of critical state concern designated or ratified by the
812 Legislature for which the Legislature has declared its intent to

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813 provide affordable housing. The exemption created by this act
814 expires on July 1, 2013, and shall apply retroactively.

815 (f) Loans shall be provided for periods not exceeding 30
816 years, except for deferred payment loans or loans that extend
817 beyond 30 years which continue to serve eligible persons.

818 (g) Loans or grants for eligible rental housing
819 constructed, rehabilitated, or otherwise assisted from the local
820 housing assistance trust fund must be subject to recapture
821 requirements as provided by the county or eligible municipality
822 in its local housing assistance plan unless reserved for
823 eligible persons for 15 years or the term of the assistance,
824 whichever period is longer. Eligible sponsors that offer rental
825 housing for sale before 15 years or that have remaining
826 mortgages funded under this program must give a first right of
827 refusal to eligible nonprofit organizations for purchase at the
828 current market value for continued occupancy by eligible
829 persons.

830 (h) Loans or grants for eligible owner-occupied housing
831 constructed, rehabilitated, or otherwise assisted from proceeds
832 provided from the local housing assistance trust fund shall be
833 subject to recapture requirements as provided by the county or
834 eligible municipality in its local housing assistance plan.

835 (i) The total amount of monthly mortgage payments or the
836 amount of monthly rent charged by the eligible sponsor or her or
837 his designee must be made affordable.

838 (j) The maximum sales price or value per unit and the
839 maximum award per unit for eligible housing benefiting from
840 awards made pursuant to this section must be established in the

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841 local housing assistance plan.

842 (k) The benefit of assistance provided through the State
843 Housing Initiatives Partnership Program must accrue to eligible
844 persons occupying eligible housing. This provision shall not be
845 construed to prohibit use of the local housing distribution
846 funds for a mixed income rental development.

847 (l) Funds from the local housing distribution not used to
848 meet the criteria established in paragraph (a) or paragraph (b)
849 or not used for the administration of a local housing assistance
850 plan must be used for housing production and finance activities,
851 including, but not limited to, financing preconstruction
852 activities or the purchase of existing units, providing rental
853 housing, and providing home ownership training to prospective
854 home buyers and owners of homes assisted through the local
855 housing assistance plan.

856 1. Notwithstanding the provisions of paragraphs (a) and
857 (b), program income as defined in s. 420.9071(24) may also be
858 used to fund activities described in this paragraph.

859 2. When preconstruction due-diligence activities conducted
860 as part of a preservation strategy show that preservation of the
861 units is not feasible and will not result in the production of
862 an eligible unit, such costs shall be deemed a program expense
863 rather than an administrative expense if such program expenses
864 do not exceed 3 percent of the annual local housing
865 distribution.

866 3. If both an award under the local housing assistance
867 plan and federal low-income housing tax credits are used to
868 assist a project and there is a conflict between the criteria

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869 prescribed in this subsection and the requirements of s. 42 of
870 the Internal Revenue Code of 1986, as amended, the county or
871 eligible municipality may resolve the conflict by giving
872 precedence to the requirements of s. 42 of the Internal Revenue
873 Code of 1986, as amended, in lieu of following the criteria
874 prescribed in this subsection with the exception of paragraphs
875 (a) and (e) of this subsection.

876 4. Each county and each eligible municipality may award
877 funds as a grant for construction, rehabilitation, or repair as
878 part of disaster recovery or emergency repairs or to remedy
879 accessibility or health and safety deficiencies. Any other
880 grants must be approved as part of the local housing assistance
881 plan.

882 (8) Pursuant to s. 420.531, the corporation shall provide
883 training and technical assistance to local governments regarding
884 the creation of partnerships, the design of local housing
885 assistance strategies, the implementation of local housing
886 incentive strategies, and the provision of support services.

887 (10) Each county or eligible municipality shall submit to
888 the corporation by September 15 of each year a report of its
889 affordable housing programs and accomplishments through June 30
890 immediately preceding submittal of the report. The report shall
891 be certified as accurate and complete by the local government's
892 chief elected official or his or her designee. Transmittal of
893 the annual report by a county's or eligible municipality's chief
894 elected official, or his or her designee, certifies that the
895 local housing incentive strategies, or, if applicable, the local
896 housing incentive plan, have been implemented or are in the

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897 | process of being implemented pursuant to the adopted schedule
898 | for implementation. The report must include, but is not limited
899 | to:

900 | (a) The number of households served by income category,
901 | age, family size, and race, and data regarding any special needs
902 | populations such as farmworkers, homeless persons, persons with
903 | disabilities, and the elderly. Counties shall report this
904 | information separately for households served in the
905 | unincorporated area and each municipality within the county.

906 | (h) Such other data or affordable housing accomplishments
907 | considered significant by the reporting county or eligible
908 | municipality or by the corporation.

909 | (13)

910 | (b) If, as a result of its review of the annual report,
911 | the corporation determines that a county or eligible
912 | municipality has failed to implement a local housing incentive
913 | strategy, or, if applicable, a local housing incentive plan, it
914 | shall send a notice of termination of the local government's
915 | share of the local housing distribution by certified mail to the
916 | affected county or eligible municipality.

917 | 1. The notice must specify a date of termination of the
918 | funding if the affected county or eligible municipality does not
919 | implement the plan or strategy and provide for a local response.
920 | A county or eligible municipality shall respond to the
921 | corporation within 30 days after receipt of the notice of
922 | termination.

923 | 2. The corporation shall consider the local response that
924 | extenuating circumstances precluded implementation and grant an

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925 extension to the timeframe for implementation. Such an extension
926 shall be made in the form of an extension agreement that
927 provides a timeframe for implementation. The chief elected
928 official of a county or eligible municipality or his or her
929 designee shall have the authority to enter into the agreement on
930 behalf of the local government.

931 3. If the county or the eligible municipality has not
932 implemented the incentive strategy or entered into an extension
933 agreement by the termination date specified in the notice, the
934 local housing distribution share terminates, and any uncommitted
935 local housing distribution funds held by the affected county or
936 eligible municipality in its local housing assistance trust fund
937 shall be transferred to the Local Government Housing Trust Fund
938 to the credit of the corporation to administer.

939 4.a. If the affected local government fails to meet the
940 timeframes specified in the agreement, the corporation shall
941 terminate funds. The corporation shall send a notice of
942 termination of the local government's share of the local housing
943 distribution by certified mail to the affected local government.
944 The notice shall specify the termination date, and any
945 uncommitted funds held by the affected local government shall be
946 transferred to the Local Government Housing Trust Fund to the
947 credit of the corporation to administer.

948 b. If the corporation terminates funds to a county, but an
949 eligible municipality receiving a local housing distribution
950 pursuant to an interlocal agreement maintains compliance with
951 program requirements, the corporation shall thereafter
952 distribute directly to the participating eligible municipality

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953 | its share calculated in the manner provided in s. 420.9072.

954 | c. Any county or eligible municipality whose local
955 | distribution share has been terminated may subsequently elect to
956 | receive directly its local distribution share by adopting the
957 | ordinance, resolution, and local housing assistance plan in the
958 | manner and according to the procedures provided in ss. 420.907-
959 | 420.9079.

960 | (14) If the corporation determines that a county or
961 | eligible municipality has expended program funds for an
962 | ineligible activity, the corporation shall require such funds to
963 | be repaid to the local housing assistance trust fund. Such
964 | repayment may not be made with funds from the State Housing
965 | Initiatives Partnership Program.

966 | Section 16. Paragraph (h) of subsection (2), subsections
967 | (5) and (6), and paragraph (a) of subsection (7) of section
968 | 420.9076, Florida Statutes, are reenacted to read:

969 | 420.9076 Adoption of affordable housing incentive
970 | strategies; committees.—

971 | (2) The governing board of a county or municipality shall
972 | appoint the members of the affordable housing advisory committee
973 | by resolution. Pursuant to the terms of any interlocal
974 | agreement, a county and municipality may create and jointly
975 | appoint an advisory committee to prepare a joint plan. The
976 | ordinance adopted pursuant to s. 420.9072 which creates the
977 | advisory committee or the resolution appointing the advisory
978 | committee members must provide for 11 committee members and
979 | their terms. The committee must include:

980 | (h) One citizen who actively serves on the local planning

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981 agency pursuant to s. 163.3174. If the local planning agency is
982 comprised of the governing board of the county or municipality,
983 the governing board may appoint a designee who is knowledgeable
984 in the local planning process.

985
986 If a county or eligible municipality whether due to its small
987 size, the presence of a conflict of interest by prospective
988 appointees, or other reasonable factor, is unable to appoint a
989 citizen actively engaged in these activities in connection with
990 affordable housing, a citizen engaged in the activity without
991 regard to affordable housing may be appointed. Local governments
992 that receive the minimum allocation under the State Housing
993 Initiatives Partnership Program may elect to appoint an
994 affordable housing advisory committee with fewer than 11
995 representatives if they are unable to find representatives who
996 meet the criteria of paragraphs (a)-(k).

997 (5) The approval by the advisory committee of its local
998 housing incentive strategies recommendations and its review of
999 local government implementation of previously recommended
1000 strategies must be made by affirmative vote of a majority of the
1001 membership of the advisory committee taken at a public hearing.
1002 Notice of the time, date, and place of the public hearing of the
1003 advisory committee to adopt its evaluation and final local
1004 housing incentive strategies recommendations must be published
1005 in a newspaper of general paid circulation in the county. The
1006 notice must contain a short and concise summary of the
1007 evaluation and local housing incentives strategies
1008 recommendations to be considered by the advisory committee. The

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1009 notice must state the public place where a copy of the
1010 evaluation and tentative advisory committee recommendations can
1011 be obtained by interested persons. The final report, evaluation,
1012 and recommendations shall be submitted to the corporation.

1013 (6) Within 90 days after the date of receipt of the
1014 evaluation and local housing incentive strategies
1015 recommendations from the advisory committee, the governing body
1016 of the appointing local government shall adopt an amendment to
1017 its local housing assistance plan to incorporate the local
1018 housing incentive strategies it will implement within its
1019 jurisdiction. The amendment must include, at a minimum, the
1020 local housing incentive strategies required under s.
1021 420.9071(16). The local government must consider the strategies
1022 specified in paragraphs (4)(a)-(k) as recommended by the
1023 advisory committee.

1024 (7) The governing board of the county or the eligible
1025 municipality shall notify the corporation by certified mail of
1026 its adoption of an amendment of its local housing assistance
1027 plan to incorporate local housing incentive strategies. The
1028 notice must include a copy of the approved amended plan.

1029 (a) If the corporation fails to receive timely the
1030 approved amended local housing assistance plan to incorporate
1031 local housing incentive strategies, a notice of termination of
1032 its share of the local housing distribution shall be sent by
1033 certified mail by the corporation to the affected county or
1034 eligible municipality. The notice of termination must specify a
1035 date of termination of the funding if the affected county or
1036 eligible municipality has not adopted an amended local housing

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1037 assistance plan to incorporate local housing incentive
1038 strategies. If the county or the eligible municipality has not
1039 adopted an amended local housing assistance plan to incorporate
1040 local housing incentive strategies by the termination date
1041 specified in the notice of termination, the local distribution
1042 share terminates; and any uncommitted local distribution funds
1043 held by the affected county or eligible municipality in its
1044 local housing assistance trust fund shall be transferred to the
1045 Local Government Housing Trust Fund to the credit of the
1046 corporation to administer the local government housing program.

1047 Section 17. Section 420.9078, Florida Statutes, is
1048 repealed.

1049 Section 18. Section 420.9079, Florida Statutes, is
1050 reenacted to read:

1051 420.9079 Local Government Housing Trust Fund.—

1052 (1) There is created in the State Treasury the Local
1053 Government Housing Trust Fund, which shall be administered by
1054 the corporation on behalf of the department according to the
1055 provisions of ss. 420.907-420.9076 and this section. There shall
1056 be deposited into the fund a portion of the documentary stamp
1057 tax revenues as provided in s. 201.15, moneys received from any
1058 other source for the purposes of ss. 420.907-420.9076 and this
1059 section, and all proceeds derived from the investment of such
1060 moneys. Moneys in the fund that are not currently needed for the
1061 purposes of the programs administered pursuant to ss. 420.907-
1062 420.9076 and this section shall be deposited to the credit of
1063 the fund and may be invested as provided by law. The interest
1064 received on any such investment shall be credited to the fund.

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1065 (2) The corporation shall administer the fund exclusively
1066 for the purpose of implementing the programs described in ss.
1067 420.907-420.9076 and this section. With the exception of
1068 monitoring the activities of counties and eligible
1069 municipalities to determine local compliance with program
1070 requirements, the corporation shall not receive appropriations
1071 from the fund for administrative or personnel costs. For the
1072 purpose of implementing the compliance monitoring provisions of
1073 s. 420.9075(9), the corporation may request a maximum of one-
1074 quarter of 1 percent of the annual appropriation per state
1075 fiscal year. When such funding is appropriated, the corporation
1076 shall deduct the amount appropriated prior to calculating the
1077 local housing distribution pursuant to ss. 420.9072 and
1078 420.9073.

1079 Section 19. Subsection (12) of section 1001.43, Florida
1080 Statutes, is reenacted to read:

1081 1001.43 Supplemental powers and duties of district school
1082 board.—The district school board may exercise the following
1083 supplemental powers and duties as authorized by this code or
1084 State Board of Education rule.

1085 (12) AFFORDABLE HOUSING.—A district school board may use
1086 portions of school sites purchased within the guidelines of the
1087 State Requirements for Educational Facilities, land deemed not
1088 usable for educational purposes because of location or other
1089 factors, or land declared as surplus by the board to provide
1090 sites for affordable housing for teachers and other district
1091 personnel and, in areas of critical state concern, for other
1092 essential services personnel as defined by local affordable

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1093 housing eligibility requirements, independently or in
1094 conjunction with other agencies as described in subsection (5).

1095 Section 20. This act shall take effect upon becoming a
1096 law, and those portions of this act which were amended, created,
1097 or repealed by chapter 2009-96, Laws of Florida, shall operate
1098 retroactively to June 1, 2009. If such retroactive application
1099 is held by a court of last resort to be unconstitutional, this
1100 act shall apply prospectively from the date that this act
1101 becomes a law.