

HB 437

2013

1 A bill to be entitled
2 An act relating to community development; amending ss.
3 212.08, 220.183, and 624.5105 F.S.; extending the
4 expiration date applicable to the granting of
5 community contribution tax credits against the sales
6 and use tax, corporate income tax, and insurance
7 premium tax for contributions to eligible sponsors of
8 community projects approved by the Department of
9 Economic Opportunity; amending s. 420.507, F.S.;
10 revising the powers of the Florida Housing Finance
11 Corporation; amending s. 420.5087, F.S.; revising
12 provisions relating to state apartment incentive loans
13 to provide for a competitive evaluation and selection
14 process with respect to loan applications; amending s.
15 420.511, F.S.; requiring the corporation to develop a
16 strategic business plan that is not inconsistent with
17 a long-range program plan relating to affordable
18 housing; requiring the corporation to develop such
19 long-range plan in coordination with the department;
20 revising provisions relating to the required contents
21 and information to be included in the corporation's
22 annual report; requiring the corporation to submit
23 separate audited financial statements that include
24 specified information and incorporate certain reports;
25 amending ss. 420.0003, 420.0006, and 420.504, F.S.;
26 conforming provisions to changes made by this act;
27 providing an effective date.
28

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

30 |

31 | Section 1. Paragraph (p) of subsection (5) of section
32 | 212.08, Florida Statutes, is amended to read:

33 | 212.08 Sales, rental, use, consumption, distribution, and
34 | storage tax; specified exemptions.—The sale at retail, the
35 | rental, the use, the consumption, the distribution, and the
36 | storage to be used or consumed in this state of the following
37 | are hereby specifically exempt from the tax imposed by this
38 | chapter.

39 | (5) EXEMPTIONS; ACCOUNT OF USE.—

40 | (p) Community contribution tax credit for donations.—

41 | 1. Authorization.—Persons who are registered with the
42 | department under s. 212.18 to collect or remit sales or use tax
43 | and who make donations to eligible sponsors are eligible for tax
44 | credits against their state sales and use tax liabilities as
45 | provided in this paragraph:

46 | a. The credit shall be computed as 50 percent of the
47 | person's approved annual community contribution.

48 | b. The credit shall be granted as a refund against state
49 | sales and use taxes reported on returns and remitted in the 12
50 | months preceding the date of application to the department for
51 | the credit as required in sub-subparagraph 3.c. If the annual
52 | credit is not fully used through such refund because of
53 | insufficient tax payments during the applicable 12-month period,
54 | the unused amount may be included in an application for a refund
55 | made pursuant to sub-subparagraph 3.c. in subsequent years
56 | against the total tax payments made for such year. Carryover

57 | credits may be applied for a 3-year period without regard to any
 58 | time limitation that would otherwise apply under s. 215.26.

59 | c. A person may not receive more than \$200,000 in annual
 60 | tax credits for all approved community contributions made in any
 61 | one year.

62 | d. All proposals for the granting of the tax credit
 63 | require the prior approval of the Department of Economic
 64 | Opportunity.

65 | e. The total amount of tax credits which may be granted
 66 | for all programs approved under this paragraph, s. 220.183, and
 67 | s. 624.5105 is \$10.5 million annually for projects that provide
 68 | homeownership opportunities for low-income or very-low-income
 69 | households as defined in s. 420.9071(19) and (28) and \$3.5
 70 | million annually for all other projects.

71 | f. A person who is eligible to receive the credit provided
 72 | for in this paragraph, s. 220.183, or s. 624.5105 may receive
 73 | the credit only under the one section of the person's choice.

74 | 2. Eligibility requirements.—

75 | a. A community contribution by a person must be in the
 76 | following form:

- 77 | (I) Cash or other liquid assets;
- 78 | (II) Real property;
- 79 | (III) Goods or inventory; or
- 80 | (IV) Other physical resources as identified by the
 81 | Department of Economic Opportunity.

82 | b. All community contributions must be reserved
 83 | exclusively for use in a project. As used in this sub-
 84 | subparagraph, the term "project" means any activity undertaken

85 | by an eligible sponsor which is designed to construct, improve,
86 | or substantially rehabilitate housing that is affordable to low-
87 | income or very-low-income households as defined in s.
88 | 420.9071(19) and (28); designed to provide commercial,
89 | industrial, or public resources and facilities; or designed to
90 | improve entrepreneurial and job-development opportunities for
91 | low-income persons. A project may be the investment necessary to
92 | increase access to high-speed broadband capability in rural
93 | communities with enterprise zones, including projects that
94 | result in improvements to communications assets that are owned
95 | by a business. A project may include the provision of museum
96 | educational programs and materials that are directly related to
97 | any project approved between January 1, 1996, and December 31,
98 | 1999, and located in an enterprise zone designated pursuant to
99 | s. 290.0065. This paragraph does not preclude projects that
100 | propose to construct or rehabilitate housing for low-income or
101 | very-low-income households on scattered sites. With respect to
102 | housing, contributions may be used to pay the following eligible
103 | low-income and very-low-income housing-related activities:
104 | (I) Project development impact and management fees for
105 | low-income or very-low-income housing projects;
106 | (II) Down payment and closing costs for eligible persons,
107 | as defined in s. 420.9071(19) and (28);
108 | (III) Administrative costs, including housing counseling
109 | and marketing fees, not to exceed 10 percent of the community
110 | contribution, directly related to low-income or very-low-income
111 | projects; and
112 | (IV) Removal of liens recorded against residential

113 | property by municipal, county, or special district local
 114 | governments when satisfaction of the lien is a necessary
 115 | precedent to the transfer of the property to an eligible person,
 116 | as defined in s. 420.9071(19) and (28), for the purpose of
 117 | promoting home ownership. Contributions for lien removal must be
 118 | received from a nonrelated third party.

119 | c. The project must be undertaken by an "eligible
 120 | sponsor," which includes:

121 | (I) A community action program;

122 | (II) A nonprofit community-based development organization
 123 | whose mission is the provision of housing for low-income or
 124 | very-low-income households or increasing entrepreneurial and
 125 | job-development opportunities for low-income persons;

126 | (III) A neighborhood housing services corporation;

127 | (IV) A local housing authority created under chapter 421;

128 | (V) A community redevelopment agency created under s.
 129 | 163.356;

130 | (VI) A historic preservation district agency or
 131 | organization;

132 | (VII) A regional workforce board;

133 | (VIII) A direct-support organization as provided in s.
 134 | 1009.983;

135 | (IX) An enterprise zone development agency created under
 136 | s. 290.0056;

137 | (X) A community-based organization incorporated under
 138 | chapter 617 which is recognized as educational, charitable, or
 139 | scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
 140 | and whose bylaws and articles of incorporation include

HB 437

2013

141 affordable housing, economic development, or community
142 development as the primary mission of the corporation;

143 (XI) Units of local government;

144 (XII) Units of state government; or

145 (XIII) Any other agency that the Department of Economic
146 Opportunity designates by rule.

147

148 In no event may a contributing person have a financial interest
149 in the eligible sponsor.

150 d. The project must be located in an area designated an
151 enterprise zone or a Front Porch Florida Community, unless the
152 project increases access to high-speed broadband capability for
153 rural communities with enterprise zones but is physically
154 located outside the designated rural zone boundaries. Any
155 project designed to construct or rehabilitate housing for low-
156 income or very-low-income households as defined in s.

157 420.9071(19) and (28) is exempt from the area requirement of
158 this sub-subparagraph.

159 e.(I) If, during the first 10 business days of the state
160 fiscal year, eligible tax credit applications for projects that
161 provide homeownership opportunities for low-income or very-low-
162 income households as defined in s. 420.9071(19) and (28) are
163 received for less than the annual tax credits available for
164 those projects, the Department of Economic Opportunity shall
165 grant tax credits for those applications and shall grant
166 remaining tax credits on a first-come, first-served basis for
167 any subsequent eligible applications received before the end of
168 the state fiscal year. If, during the first 10 business days of

HB 437

2013

169 the state fiscal year, eligible tax credit applications for
170 projects that provide homeownership opportunities for low-income
171 or very-low-income households as defined in s. 420.9071(19) and
172 (28) are received for more than the annual tax credits available
173 for those projects, the Department of Economic Opportunity shall
174 grant the tax credits for those applications as follows:

175 (A) If tax credit applications submitted for approved
176 projects of an eligible sponsor do not exceed \$200,000 in total,
177 the credits shall be granted in full if the tax credit
178 applications are approved.

179 (B) If tax credit applications submitted for approved
180 projects of an eligible sponsor exceed \$200,000 in total, the
181 amount of tax credits granted pursuant to sub-sub-sub-
182 subparagraph (A) shall be subtracted from the amount of
183 available tax credits, and the remaining credits shall be
184 granted to each approved tax credit application on a pro rata
185 basis.

186 (II) If, during the first 10 business days of the state
187 fiscal year, eligible tax credit applications for projects other
188 than those that provide homeownership opportunities for low-
189 income or very-low-income households as defined in s.
190 420.9071(19) and (28) are received for less than the annual tax
191 credits available for those projects, the Department of Economic
192 Opportunity shall grant tax credits for those applications and
193 shall grant remaining tax credits on a first-come, first-served
194 basis for any subsequent eligible applications received before
195 the end of the state fiscal year. If, during the first 10
196 business days of the state fiscal year, eligible tax credit

HB 437

2013

197 applications for projects other than those that provide
198 homeownership opportunities for low-income or very-low-income
199 households as defined in s. 420.9071(19) and (28) are received
200 for more than the annual tax credits available for those
201 projects, the Department of Economic Opportunity shall grant the
202 tax credits for those applications on a pro rata basis.

203 3. Application requirements.—

204 a. Any eligible sponsor seeking to participate in this
205 program must submit a proposal to the Department of Economic
206 Opportunity which sets forth the name of the sponsor, a
207 description of the project, and the area in which the project is
208 located, together with such supporting information as is
209 prescribed by rule. The proposal must also contain a resolution
210 from the local governmental unit in which the project is located
211 certifying that the project is consistent with local plans and
212 regulations.

213 b. Any person seeking to participate in this program must
214 submit an application for tax credit to the Department of
215 Economic Opportunity which sets forth the name of the sponsor, a
216 description of the project, and the type, value, and purpose of
217 the contribution. The sponsor shall verify the terms of the
218 application and indicate its receipt of the contribution, which
219 verification must be in writing and accompany the application
220 for tax credit. The person must submit a separate tax credit
221 application to the Department of Economic Opportunity for each
222 individual contribution that it makes to each individual
223 project.

224 c. Any person who has received notification from the

HB 437

2013

225 Department of Economic Opportunity that a tax credit has been
226 approved must apply to the department to receive the refund.
227 Application must be made on the form prescribed for claiming
228 refunds of sales and use taxes and be accompanied by a copy of
229 the notification. A person may submit only one application for
230 refund to the department within any 12-month period.

231 4. Administration.—

232 a. The Department of Economic Opportunity may adopt rules
233 pursuant to ss. 120.536(1) and 120.54 necessary to administer
234 this paragraph, including rules for the approval or disapproval
235 of proposals by a person.

236 b. The decision of the Department of Economic Opportunity
237 must be in writing, and, if approved, the notification shall
238 state the maximum credit allowable to the person. Upon approval,
239 the Department of Economic Opportunity shall transmit a copy of
240 the decision to the Department of Revenue.

241 c. The Department of Economic Opportunity shall
242 periodically monitor all projects in a manner consistent with
243 available resources to ensure that resources are used in
244 accordance with this paragraph; however, each project must be
245 reviewed at least once every 2 years.

246 d. The Department of Economic Opportunity shall, in
247 consultation with the statewide and regional housing and
248 financial intermediaries, market the availability of the
249 community contribution tax credit program to community-based
250 organizations.

251 5. Expiration.—This paragraph expires June 30, 2025 ~~2015~~;
252 however, any accrued credit carryover that is unused on that

253 | date may be used until the expiration of the 3-year carryover
 254 | period for such credit.

255 | Section 2. Subsection (5) of section 220.183, Florida
 256 | Statutes, is amended to read:

257 | 220.183 Community contribution tax credit.—

258 | (5) EXPIRATION.—The provisions of this section, except
 259 | paragraph (1)(e), shall expire and be void on June 30, 2025
 260 | ~~2015~~.

261 | Section 3. Subsection (6) of section 624.5105, Florida
 262 | Statutes, is amended to read:

263 | 624.5105 Community contribution tax credit; authorization;
 264 | limitations; eligibility and application requirements;
 265 | administration; definitions; expiration.—

266 | (6) EXPIRATION.—The provisions of this section, except
 267 | paragraph (1)(e), shall expire and be void on June 30, 2025
 268 | ~~2015~~.

269 | Section 4. Paragraph (h) of subsection (22) and subsection
 270 | (48) of section 420.507, Florida Statutes, is amended to read:

271 | 420.507 Powers of the corporation.—The corporation shall
 272 | have all the powers necessary or convenient to carry out and
 273 | effectuate the purposes and provisions of this part, including
 274 | the following powers which are in addition to all other powers
 275 | granted by other provisions of this part:

276 | (22) To develop and administer the State Apartment
 277 | Incentive Loan Program. In developing and administering that
 278 | program, the corporation may:

279 | (h) Establish, by rule, the procedure for ~~evaluating,~~
 280 | ~~scoring,~~ and competitively evaluating and selecting ~~ranking~~ all

281 applications for funding based on the criteria set forth in s.
 282 420.5087(6)(c); determining actual loan amounts; making and
 283 servicing loans; and exercising the powers authorized in this
 284 subsection.

285 (48) To award ~~use up to 10 percent of~~ its annual
 286 allocation of low-income housing tax credits, nontaxable revenue
 287 bonds, and State Apartment Incentive Loan Program funds
 288 appropriated by the Legislature and available to allocate by
 289 request for proposals or other competitive solicitation and to
 290 reserve up to 10 percent of each allocation ~~funding~~ for high-
 291 priority affordable housing projects, such as housing to support
 292 economic development and job-creation initiatives, housing for
 293 veterans and their families, and other special needs populations
 294 in communities throughout the state as determined by the
 295 corporation on an annual basis.

296 Section 5. Paragraphs (c) and (f) of subsection (6) of
 297 section 420.5087, Florida Statutes, are amended to read:

298 420.5087 State Apartment Incentive Loan Program.—There is
 299 hereby created the State Apartment Incentive Loan Program for
 300 the purpose of providing first, second, or other subordinated
 301 mortgage loans or loan guarantees to sponsors, including for-
 302 profit, nonprofit, and public entities, to provide housing
 303 affordable to very-low-income persons.

304 (6) On all state apartment incentive loans, except loans
 305 made to housing communities for the elderly to provide for
 306 lifesafety, building preservation, health, sanitation, or
 307 security-related repairs or improvements, the following
 308 provisions shall apply:

HB 437

2013

309 (c) The corporation shall provide by rule for the
310 establishment of a review committee ~~composed of the department~~
311 ~~and corporation staff and shall establish by rule a scoring~~
312 ~~system~~ for the competitive evaluation and selection ~~competitive~~
313 ~~ranking~~ of applications submitted in this program, including,
314 but not limited to, the following criteria:

315 1. Tenant income and demographic targeting objectives of
316 the corporation.

317 2. Targeting objectives of the corporation which will
318 ensure an equitable distribution of loans between rural and
319 urban areas.

320 3. Sponsor's agreement to reserve the units for persons or
321 families who have incomes below 50 percent of the state or local
322 median income, whichever is higher, for a time period to exceed
323 the minimum required by federal law or the provisions of this
324 part.

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

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

329 b. Forty percent of the units in the project for persons
330 or families who have incomes that do not exceed 60 percent of
331 the state or local median income, whichever is higher, without
332 requiring a greater amount of the loans as provided in this
333 section.

334 5. Provision for tenant counseling.

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

HB 437

2013

337 7. Projects requiring the least amount of a state
338 apartment incentive loan compared to overall project cost except
339 that the share of the loan attributable to units serving
340 extremely-low-income persons shall be excluded from this
341 requirement.

342 8. Local government contributions and local government
343 comprehensive planning and activities that promote affordable
344 housing.

345 9. Project feasibility.

346 10. Economic viability of the project.

347 11. Commitment of first mortgage financing.

348 12. Sponsor's prior experience.

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

350 14. Projects that directly implement or assist welfare-to-
351 work transitioning.

352 15. Projects that reserve units for extremely-low-income
353 persons.

354 16. Projects that include green building principles,
355 storm-resistant construction, or other elements that reduce
356 long-term costs relating to maintenance, utilities, or
357 insurance.

358 17. Job-creation rate of the developer and general
359 contractor, as provided in s. 420.507(47).

360 (f) The review committee established by corporation rule
361 pursuant to this subsection shall make recommendations to the
362 board of directors of the corporation regarding program
363 participation under the State Apartment Incentive Loan Program.
364 The corporation board shall make the final ~~ranking and the~~

365 decisions regarding which applicants shall become program
 366 participants based on the scores received in the competitive
 367 process ranking, further review of applications, and the
 368 recommendations of the review committee. The corporation board
 369 shall approve or reject applications for loans and shall
 370 determine the tentative loan amount available to each applicant
 371 selected for participation in the program. The actual loan
 372 amount shall be determined pursuant to rule adopted pursuant to
 373 s. 420.507(22)(h).

374 Section 6. Section 420.511, Florida Statutes, is amended
 375 to read:

376 420.511 Strategic business plan; ~~strategic plan~~; annual
 377 report; audited financial statements.-

378 (1) The corporation shall develop a strategic business
 379 plan for the provision of affordable housing for the state. The
 380 plan shall not be inconsistent with the long-range program
 381 ~~strategie~~ plan prepared pursuant to subsection (2) and shall
 382 contain performance measures and specific performance targets
 383 for the following:

384 (a) The ability of low-income and moderate-income
 385 Floridians to access housing that is decent and affordable.

386 (b) The continued availability and affordability of
 387 housing financed by the corporation to target populations.

388 (c) The availability of affordable financing programs,
 389 including equity and debt products, and programs that reduce
 390 gaps in conventional financing, to increase individual access to
 391 housing and stimulate private production of affordable housing.

392 (d) The establishment and maintenance of efficiencies in

HB 437

2013

393 the delivery of affordable housing.

394 (e) Such other measures as directed by the corporation's
395 board of directors.

396

397 ~~The corporation shall also compile data on the stimulus of~~
398 ~~economic activity created by the affordable housing finance~~
399 ~~programs administered by the corporation.~~

400 (2) The corporation, in coordination ~~equal partnership~~
401 with the department, shall develop annually a long-range program
402 ~~strategie~~ plan for the provision of affordable housing in
403 Florida ~~as part of the department's agency strategic plan~~
404 required pursuant to chapter 186. In part, the plan shall
405 include provisions that maximize the abilities of the
406 corporation ~~and the department~~ to implement the state housing
407 strategy established under s. 420.0003, to respond to federal
408 housing initiatives, and to develop programs in a manner that is
409 more responsive to the needs of public and private partners. The
410 plan shall be developed on a schedule consistent with that
411 established by s. 186.021. For purposes of this act, the
412 executive director or his or her designee shall serve as the
413 corporation's representative to achieve a coordinated and
414 integrated planning relationship with the department.

415 (3) ~~(a)~~ The corporation shall submit to the Governor and
416 the presiding officers of each house of the Legislature, within
417 2 months after the end of its fiscal year, a complete and
418 detailed report setting forth the corporation's state and
419 federal program accomplishments. The report shall include, but
420 not be limited to:

HB 437

2013

421 (a) The following tenant characteristics in the existing
422 rental units financed through corporation-administered programs:

423 1. The number of households served, delineated by income
424 and age of the head of household.

425 2. The number of households served in large, medium, and
426 small counties as defined by 420.5087 and the extent to which
427 geographic distribution has been achieved in accordance with s.
428 420.5087.

429 3. The number of farmworkers and commercial-fishing worker
430 households served.

431 4. The number of homeless households served.

432 5. The number of special needs households served.

433 6. By county, the average rent charged based on unit size.

434 (b) The number of rental units to which resources have
435 been allocated in the last fiscal year, including income and
436 demographic restrictions.

437 (c) The estimated average cost of producing units under
438 each rental or homeownership unit financed under each program in
439 the last fiscal year.

440 (d) By county, the average sales price of homeownership
441 units financed in the last fiscal year.

442 (e) The number of households served by homeownership
443 programs in the last fiscal year, including the income and age
444 of the homeowner of each household.

445 (f) The amount of economic stimulus created by the
446 affordable housing finance programs administered by the
447 corporation for the most recent year available.

448 (g) For the State Apartment Incentive Loan Program (SAIL),

449 a comprehensive list of all closed loans outstanding at the end
 450 of the most recent fiscal year, including, but not limited to,
 451 development name, city, county, developer, set-aside type, set-
 452 aside percentage, affordability term, total number of units,
 453 number of set-aside units, lien position, original loan amount,
 454 loan maturity date, loan balance at close of year, status of
 455 loan, rate of interest, and interest paid.

456 (h) For the Florida Affordable Housing Guarantee Program,
 457 a list of all guaranteed loans through the close of the most
 458 recent fiscal year, including, but not limited to, development
 459 name, city, county, developer, total number of units, issuer of
 460 the bonds, loan maturity date, participation in the United
 461 States Department of Housing and Urban Development Risk-Sharing
 462 Program, original guarantee amount, guarantee amount at close of
 463 fiscal year, status of loan guaranteed, and total outstanding
 464 Florida Housing Finance Corporation Affordable Housing Guarantee
 465 Revenue Bonds at the close of the most recent fiscal year.

466 (i) Any other information the corporation deems
 467 appropriate.

- 468 ~~1. Its operations and accomplishments;~~
- 469 ~~2. Its receipts and expenditures during its fiscal year in~~
 470 ~~accordance with the categories or classifications established by~~
 471 ~~the corporation for its operating and capital outlay purposes;~~
- 472 ~~3. Its assets and liabilities at the end of its fiscal~~
 473 ~~year and the status of reserve, special, or other funds;~~
- 474 ~~4. A schedule of its bonds outstanding at the end of its~~
 475 ~~fiscal year, together with a statement of the principal amounts~~
 476 ~~of bonds issued and redeemed during the fiscal year; and~~

477 ~~5. Information relating to the corporation's activities in~~
 478 ~~implementing the provisions of ss. 420.5087, 420.5088, and~~
 479 ~~420.5095.~~

480 ~~(b) The report shall include, but not be limited to:~~

481 ~~1. The number of people served, delineated by income, age,~~
 482 ~~family size, and racial characteristics.~~

483 ~~2. The number of units produced under each program.~~

484 ~~3. The average cost of producing units under each program.~~

485 ~~4. The average sales price of single-family units financed~~
 486 ~~under s. 420.5088.~~

487 ~~5. The average amount of rent charged based on unit size~~
 488 ~~on units financed under s. 420.5087.~~

489 ~~6. The number of persons in rural communities served under~~
 490 ~~each program.~~

491 ~~7. The number of farmworkers served under each program.~~

492 ~~8. The number of homeless persons served under each~~
 493 ~~program.~~

494 ~~9. The number of elderly persons served under each~~
 495 ~~program.~~

496 ~~10. The extent to which geographic distribution has been~~
 497 ~~achieved in accordance with the provisions of s. 420.5087.~~

498 ~~11. The success of the Community Workforce Housing~~
 499 ~~Innovation Pilot Program in meeting the housing needs of~~
 500 ~~eligible areas.~~

501 ~~12. Any other information the corporation deems~~
 502 ~~appropriate.~~

503 (4) The corporation shall submit, within 6 months after
 504 the end of its fiscal year, audited financial statements

HB 437

2013

505 prepared in accordance with generally accepted accounting
506 principles which include all assets, liabilities, revenues, and
507 expenses of the corporation, and a list of all bonds outstanding
508 at the end of its fiscal year. ~~with the annual report required~~
509 ~~by this section, a copy of an annual financial audit of its~~
510 ~~accounts and records and an annual compliance~~ The audit must be
511 ~~of its programs~~ conducted by an independent certified public
512 accountant, performed in accordance with generally accepted
513 auditing standards and government auditing standards, and
514 incorporate all reports, including compliance reports, as
515 required by such auditing standards.

516 ~~(4) Both the corporation's business plan and annual report~~
517 ~~shall recognize the different fiscal periods under which the~~
518 ~~corporation, the state, the Federal Government, and local~~
519 ~~governments operate.~~

520 Section 7. Paragraph (b) of subsection (4) of section
521 420.0003, Florida Statutes, is amended to read:

522 420.0003 State housing strategy.—

523 (4) IMPLEMENTATION.—The Department of Economic Opportunity
524 and the Florida Housing Finance Corporation in carrying out the
525 strategy articulated herein shall have the following duties:

526 (b) The agency strategic plan of the Department of
527 Economic Opportunity shall include specific goals, objectives,
528 and strategies that implement the housing policies in this
529 section and shall include the strategic business plan for
530 housing production prepared by the corporation pursuant to s.
531 420.511.

532 Section 8. Section 420.0006, Florida Statutes, is amended

HB 437

2013

533 to read:

534 420.0006 Authority to contract with corporation; contract
535 requirements; nonperformance.—The executive director of the
536 department shall contract, notwithstanding part I of chapter
537 287, with the Florida Housing Finance Corporation on a multiyear
538 basis to stimulate, provide, and foster affordable housing in
539 the state. The contract must incorporate the performance
540 measures required by s. 420.511 and must be consistent with the
541 provisions of the corporation's strategic business plan prepared
542 in accordance with s. 420.511. The contract must provide that,
543 in the event the corporation fails to comply with any of the
544 performance measures required by s. 420.511, the executive
545 director shall notify the Governor and shall refer the
546 nonperformance to the department's inspector general for review
547 and determination as to whether such failure is due to forces
548 beyond the corporation's control or whether such failure is due
549 to inadequate management of the corporation's resources.
550 Advances shall continue to be made pursuant to s. 420.0005
551 during the pendency of the review by the department's inspector
552 general. If such failure is due to outside forces, it shall not
553 be deemed a violation of the contract. If such failure is due to
554 inadequate management, the department's inspector general shall
555 provide recommendations regarding solutions. The Governor is
556 authorized to resolve any differences of opinion with respect to
557 performance under the contract and may request that advances
558 continue in the event of a failure under the contract due to
559 inadequate management. The Chief Financial Officer shall approve
560 the request absent a finding by the Chief Financial Officer that

HB 437

2013

561 continuing such advances would adversely impact the state;
562 however, in any event the Chief Financial Officer shall provide
563 advances sufficient to meet the debt service requirements of the
564 corporation and sufficient to fund contracts committing funds
565 from the State Housing Trust Fund so long as such contracts are
566 in accordance with the laws of this state.

567 Section 9. Subsection (1) of section 420.504, Florida
568 Statutes, is amended to read:

569 420.504 Public corporation; creation, membership, terms,
570 expenses.—

571 (1) There is created within the Department of Economic
572 Opportunity a public corporation and a public body corporate and
573 politic, to be known as the "Florida Housing Finance
574 Corporation." It is declared to be the intent of and
575 constitutional construction by the Legislature that the Florida
576 Housing Finance Corporation constitutes an entrepreneurial
577 public corporation organized to provide and promote the public
578 welfare by administering the governmental function of financing
579 or refinancing housing and related facilities in Florida and
580 that the corporation is not a department of the executive branch
581 of state government within the scope and meaning of s. 6, Art.
582 IV of the State Constitution, but is functionally related to the
583 Department of Economic Opportunity in which it is placed. The
584 executive function of state government to be performed by the
585 executive director of the Department of Economic Opportunity in
586 the conduct of the business of the Florida Housing Finance
587 Corporation must be performed pursuant to a contract to monitor
588 and set performance standards for the implementation of the

HB 437

2013

589 | business plan for the provision of housing approved for the
590 | corporation as provided in s. 420.0006. This contract shall
591 | include the performance standards for the provision of
592 | affordable housing in Florida established in the strategic
593 | business plan described in s. 420.511.

594 | Section 10. This act shall take effect July 1, 2013.