

By the Committee on Community Affairs; and Senator Soto

578-03628-15

20151520c1

1 A bill to be entitled
2 An act relating to housing for low-income persons;
3 amending s. 420.9075, F.S.; authorizing local housing
4 assistance plans to allocate funds to provide rental
5 assistance to include the first and last month's rent
6 for eligible persons, subject to certain restrictions;
7 amending s. 421.02, F.S.; revising the legislative
8 declaration of necessity; amending s. 421.03, F.S.;
9 redefining terms; defining the terms "blighted" and
10 "essential commercial goods and services"; amending s.
11 421.04, F.S.; prohibiting a housing authority from
12 applying to the Federal Government to seize projects,
13 units, or vouchers of another established housing
14 authority; amending s. 421.05, F.S.; prohibiting
15 specified additional compensation for authority
16 commissioners; amending s. 421.06, F.S.; prohibiting
17 commissioners or employees from acquiring interests in
18 certain commercial projects; requiring commissioners
19 or employees to disclose interests in commercial
20 projects under certain circumstances; amending s.
21 421.08, F.S.; revising the powers of an authority;
22 requiring that revenue received by a housing authority
23 from certain commercial projects be used for
24 affordable housing; conforming a cross-reference;
25 amending s. 421.09, F.S.; conforming a cross-
26 reference; amending s. 421.091, F.S.; requiring a full
27 financial accounting and audit of public housing
28 agencies to be submitted to the Federal Government
29 pursuant to certain requirements; exempting housing

578-03628-15

20151520c1

30 authorities from specified reporting requirements;
31 amending s. 421.21, F.S.; revising legislative intent;
32 creating s. 421.281, F.S.; creating consolidated
33 housing authorities subject to certain requirements
34 and restrictions; specifying the area of operation of
35 a consolidated housing authority; providing for the
36 appointment of commissioners subject to certain
37 requirements and restrictions; providing that a
38 majority of the commissioners constitutes a quorum;
39 specifying the powers and duties of a consolidated
40 housing authority and the commissioners thereof;
41 amending s. 421.32, F.S.; conforming provisions to
42 changes made by the act; conforming a cross-reference;
43 amending s. 421.321, F.S.; conforming provisions to
44 changes made by the act; amending s. 421.33, F.S.;
45 conforming provisions to changes made by the act;
46 amending s. 422.02, F.S.; providing a finding that
47 there is a lack of access to certain essential
48 commercial goods and services; amending s. 422.04,
49 F.S.; authorizing state public bodies to provide or
50 cause to be provided commercial projects that allow
51 access to certain essential commercial goods and
52 services; amending s. 423.01, F.S.; providing a
53 finding that certain projects for the clearance of
54 blighted areas and access to essential commercial
55 goods and services are required; providing a finding
56 that facilities made available by housing authorities
57 to provide access to essential commercial goods and
58 services are a critical component for housing projects

578-03628-15

20151520c1

59 and constitute a public use and governmental function;
60 providing a finding that certain property used to
61 provide access to essential commercial goods and
62 services is exclusively for public uses and municipal
63 purposes; amending s. 423.02, F.S.; providing that the
64 activities or property of a person who provides
65 essential commercial goods and services is not exempt
66 from certain taxes and special assessments; exempting
67 real property of a housing authority which is used to
68 provide access to essential commercial goods and
69 services from ad valorem taxes and special
70 assessments; amending s. 893.13, F.S.; conforming a
71 cross-reference; providing an effective date.

72

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

74

75 Section 1. Paragraph (b) of subsection (1) of section
76 420.9075, Florida Statutes, is amended to read:

77 420.9075 Local housing assistance plans; partnerships.—

78 (1)

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

80 1. Implement local housing assistance strategies for the
81 provision of affordable housing.

82 2. Supplement funds available to the corporation to provide
83 enhanced funding of state housing programs within the county or
84 the eligible municipality.

85 3. Provide the local matching share of federal affordable
86 housing grants or programs.

87 4. Fund emergency repairs, including, but not limited to,

578-03628-15

20151520c1

88 repairs performed by existing service providers under
89 weatherization assistance programs under ss. 409.509-409.5093.

90 5. Further the housing element of the local government
91 comprehensive plan adopted pursuant to s. 163.3184, specific to
92 affordable housing.

93 6. Provide rental assistance to include the first and last
94 month's rent for eligible persons. Neither the first nor last
95 month's rent may be greater than the monthly amount of the
96 rental agreement.

97 Section 2. Section 421.02, Florida Statutes, is amended to
98 read:

99 421.02 Finding and declaration of necessity.—It is hereby
100 declared that:

101 (1) There exist in the state insanitary or unsafe dwelling
102 accommodations and that persons of low income are forced to
103 reside in such insanitary or unsafe accommodations; that within
104 the state there is a shortage of safe or sanitary dwelling
105 accommodations available at rents which persons of low income
106 can afford and that such persons are forced to occupy
107 overcrowded and congested dwelling accommodations; that such the
108 ~~aforsaid~~ conditions cause an increase in and spread of disease
109 and crime and constitute a menace to the health, safety, morals,
110 and welfare of the residents of the state and impair economic
111 values; and that these conditions necessitate excessive and
112 disproportionate expenditures of public funds for crime
113 prevention and punishment, public health, welfare and safety,
114 fire and accident protection, and other public services and
115 facilities.

116 (2) Blighted areas in the state cannot be revitalized, nor

578-03628-15

20151520c1

117 can the shortage of safe and sanitary dwellings for persons of
118 low income be relieved, solely through the operation of private
119 enterprise. However, the state encourages the use of housing
120 authority property in combination with private enterprise to
121 construct, rehabilitate, and otherwise provide safe and sanitary
122 dwelling conditions for persons of low income.

123 (3) The clearance, replanning, and reconstruction of the
124 areas in which insanitary or unsafe housing conditions exist,
125 ~~and~~ the providing of safe and sanitary dwelling accommodations,
126 and the access to essential commercial goods and services
127 necessary for daily living for persons of low income, including
128 the acquisition by a housing authority of property to be used
129 for or in connection with housing projects or appurtenant
130 thereto, are exclusively public uses and purposes for which
131 public money may be spent and private property acquired and are
132 governmental functions of public concern.

133 (4) An important public purpose is served by providing
134 access to essential commercial goods and services necessary for
135 daily living for persons served by public housing authorities as
136 those persons often have limited transportation capacity and
137 significant family demands. Issues such as limited
138 transportation capacity and significant family demands
139 complicate daily living and make access to essential commercial
140 goods and services difficult.

141 ~~(5)~~(4) The necessity in the public interest for the
142 provisions hereinafter enacted, is hereby declared ~~as~~ a matter
143 of legislative determination.

144 Section 3. Section 421.03, Florida Statutes, is amended to
145 read:

578-03628-15

20151520c1

146 421.03 Definitions.—As used ~~The following terms, wherever~~
 147 ~~used or referred to~~ in this part, except where the context
 148 clearly indicates otherwise, the term shall have the following
 149 ~~respective meanings for the purposes of this part, unless a~~
 150 ~~different meaning clearly appears from the context:~~

151 (2)~~(1)~~ "Authority" or "housing authority" means a ~~shall~~
 152 ~~mean any of the public corporation corporations~~ created pursuant
 153 to ~~by~~ s. 421.04.

154 (4)~~(2)~~ "City" means ~~shall mean~~ any city or town of the
 155 state having a population of more than 2,500, according to the
 156 last preceding federal or state census. The term also means ~~"The~~
 157 ~~city" shall mean~~ the particular city for which a particular
 158 housing authority is created.

159 (9)~~(3)~~ "Governing body" means ~~shall mean~~ the city council,
 160 the commission, or other legislative body charged with governing
 161 the city, as the case may be.

162 (11)~~(4)~~ "Mayor" means ~~shall mean~~ the mayor of the city or
 163 the officer thereof charged with the duties customarily imposed
 164 on the mayor or executive head of the city.

165 (5) "Clerk" means ~~shall mean~~ the clerk of the city or the
 166 officer of the city charged with the duties customarily imposed
 167 on the clerk ~~thereof~~.

168 (1)~~(6)~~ "Area of Operation":

169 (a) In the case of a housing authority of a city having a
 170 population of less than 25,000, includes ~~shall include~~ such city
 171 and the area within 5 miles of its ~~the~~ territorial boundaries.
 172 ~~thereof; and~~

173 (b) In the case of a housing authority of a city having a
 174 population of 25,000 or more, includes ~~shall include~~ such city

578-03628-15

20151520c1

175 and the area within 10 miles of its ~~from the~~ territorial
 176 boundaries. ~~thereof; provided~~ However, ~~that~~ the area of
 177 operation of a housing authority of a any city may ~~shall~~ not
 178 include any area that ~~which~~ lies within the territorial
 179 boundaries of another ~~some other~~ city ~~as herein defined;~~ and may
 180 ~~further provided that the area of operation shall~~ not extend
 181 outside ~~of~~ the boundaries of the county in which the city is
 182 located. A and no housing authority has no ~~shall have~~ any power
 183 or jurisdiction outside ~~of~~ the county in which the city is
 184 located.

185 (7) "Essential commercial goods and services" means goods,
 186 such as groceries and clothing, and services, such as child
 187 care, K-12 education, financial services, job training and
 188 placement, laundry facilities, and other local governmental
 189 services, which are in close proximity to dwelling
 190 accommodations of a housing authority, are necessary for daily
 191 living, and may be difficult for persons of low income to access
 192 unless located in close proximity to the housing development
 193 where the persons of low income reside.

194 (8) ~~(7)~~ "Federal Government" means ~~shall include~~ the United
 195 States Government, ~~the Federal Emergency Administration of~~
 196 ~~Public Works~~ or any department, commission, other agency, or
 197 other instrumentality thereof, ~~corporate or otherwise,~~ of the
 198 United States.

199 (3) ~~(8)~~ "Blighted" means "Slum" ~~shall mean~~ any area where
 200 dwellings predominate which, by reason of dilapidation,
 201 overcrowding, faulty arrangement or design, lack of ventilation,
 202 light or sanitary facilities, or any combination of these
 203 factors, are detrimental to safety, health, and morals.

578-03628-15

20151520c1

204 ~~(10)(9)~~ "Housing project" means ~~shall mean~~ any work or
205 undertaking:

206 (a) To demolish, clear, or remove buildings from any
207 blighted slum area, which; ~~such work or undertaking~~ may embrace
208 the adaption of such area to public purposes, including parks or
209 other recreational or community purposes; ~~or~~

210 (b) To provide decent, safe, and sanitary urban or rural
211 dwellings, apartments, or other living accommodations for
212 persons of low income, which; ~~such work or undertaking~~ may
213 include buildings, land, equipment, facilities, and other real
214 or personal property for necessary, convenient, or desirable
215 appurtenances, streets, sewers, water service, parks, site
216 preparation, gardening, administrative, community, health,
217 recreational, educational, welfare, or other purposes; ~~or~~

218 (c) To provide access to essential commercial goods and
219 services; or

220 (d) ~~(e)~~ To accomplish a combination of the foregoing.

221
222 The term ~~"housing project"~~ also applies ~~may be applied~~ to the
223 planning of the buildings and improvements; ~~the acquisition of~~
224 property; ~~the demolition of existing structures;~~ the
225 construction, reconstruction, alteration, and repair of the
226 improvements; and all other work in connection therewith.

227 ~~(13)(10)~~ "Persons of low income" means ~~shall mean~~ persons
228 or families who lack the amount of income which is necessary, as
229 determined by the authority undertaking the housing project, to
230 enable them, without financial assistance, to live in decent,
231 safe, and sanitary dwellings, without overcrowding.

232 (6) ~~(11)~~ "Debentures" means ~~shall mean~~ any notes, interim

578-03628-15

20151520c1

233 certificates, debentures, revenue certificates, or other
234 obligations issued by an authority pursuant to this chapter.

235 (14)~~(12)~~ "Real property" includes ~~shall include~~ all lands,
236 including improvements and fixtures thereon, and property of any
237 nature appurtenant thereto, or used in connection therewith, and
238 every estate, interest, and right, legal or equitable, therein,
239 including terms for years and liens by way of judgment,
240 mortgage, or otherwise and the indebtedness secured by such
241 liens.

242 (12)~~(13)~~ "Obligee of the authority" or "obligee" includes
243 ~~shall include~~ any holder of debentures, trustee or trustees for
244 any such holders, or lessor demising to the authority property
245 used in connection with a housing project, or any assignee or
246 assignees of such lessor's interest or any part thereof, and the
247 Federal Government when it is a party to any contract with the
248 authority.

249 Section 4. Subsection (4) is added to section 421.04,
250 Florida Statutes, to read:

251 421.04 Creation of housing authorities.—

252 (4) A housing authority, regardless of the date of its
253 creation, may not apply to the Federal Government to seize any
254 projects, units, or vouchers of another established housing
255 authority, irrespective of each housing authority's areas of
256 operation.

257 Section 5. Subsection (2) of section 421.05, Florida
258 Statutes, is amended to read:

259 421.05 Appointment, qualifications, and tenure of
260 commissioners; hiring of employees.—

261 (2) The powers of each authority shall be vested in the

578-03628-15

20151520c1

262 commissioners thereof in office from time to time. A majority of
263 the commissioners shall constitute a quorum of the authority for
264 the purpose of conducting its business and exercising its powers
265 and for all other purposes. Action may be taken by the authority
266 upon a vote of a majority of the commissioners present, unless
267 in any case the bylaws of the authority require a larger number.
268 The mayor with the concurrence of the governing body shall
269 designate which of the commissioners appointed shall be the
270 first chair, but when the office of the chair of the authority
271 thereafter becomes vacant, the authority shall select a chair
272 from among its commissioners. An authority shall select from
273 among its commissioners a vice chair,~~†~~ and it may employ a
274 secretary, who shall be the executive director, technical
275 experts, and such other officers, agents, and employees,
276 permanent and temporary, as it may require and shall determine
277 their qualifications, duties, and compensation. As provided in
278 s. 215.425, a commissioner may not receive extra compensation.
279 For such legal services as it may require, an authority may call
280 upon the chief law officer of the city or may employ its own
281 counsel and legal staff. An authority may delegate to one or
282 more of its agents or employees such powers or duties as it may
283 deem proper.

284 Section 6. Section 421.06, Florida Statutes, is amended to
285 read:

286 421.06 Commissioners or employees prohibited from acquiring
287 interests in housing projects and required to disclose interests
288 in specified properties; exception.—Except for the leasehold
289 interest held by a tenant-commissioner in the housing project in
290 which he or she is a tenant, a ~~no~~ commissioner or employee of an

578-03628-15

20151520c1

291 authority may not ~~shall~~ acquire any interest, direct or
292 indirect, in any housing project or in any property included or
293 planned to be included in any project, or ~~nor shall he or she~~
294 have any interest, direct or indirect, in any contract or
295 proposed contract for materials or services to be furnished or
296 used in connection with any housing project. If a commissioner
297 or employee of an authority owns or controls an interest, direct
298 or indirect, in any property included or planned to be included
299 in any housing project, he or she shall immediately disclose the
300 same in writing to the authority. Such disclosure shall be
301 entered upon the minutes of the authority. Failure ~~to~~
302 disclose such interest constitutes misconduct in office. This
303 section applies to any commercial project authorized by this
304 chapter.

305 Section 7. Section 421.08, Florida Statutes, is amended to
306 read:

307 421.08 Powers of authority.-

308 (1) An authority constitutes ~~shall constitute~~ a public body
309 corporate and politic, exercising the public and essential
310 governmental functions set forth in this chapter, and having all
311 the powers necessary or convenient to carry out and effectuate
312 the purpose and provisions of this chapter, including the
313 following additional powers ~~in addition to others herein~~
314 granted:

315 (a) ~~(1)~~ To sue and be sued; to have a seal and to alter it
316 ~~the same~~ at pleasure; to have perpetual succession; to make and
317 execute contracts and other instruments necessary or convenient
318 to the exercise of the powers of the authority; to appear in
319 court through any of its officers, agents, or employees, for the

578-03628-15

20151520c1

320 exclusive purpose of filing eviction papers; and to make and
321 from time to time amend and repeal bylaws, rules, and
322 regulations, not inconsistent with this chapter, to carry into
323 effect the powers and purposes of the authority.

324 (b)(2) Within its area of operation, to prepare, carry out,
325 acquire, lease, and operate housing projects and, to provide for
326 the construction, reconstruction, improvement, alteration, or
327 repair of any housing project or any part thereof.

328 (c)(3) To arrange or contract for the furnishing by any
329 person or agency, public or private, of services, privileges,
330 works, or facilities for, or in connection with, a housing
331 project or the occupants thereof. ~~; provided, however, that~~

332 1. Notwithstanding any other power or provision in this
333 chapter, the authority may ~~shall~~ not construct, lease, control,
334 purchase, or otherwise establish, in connection with or as a
335 part of any housing project or any other real or any other
336 property under its control, any system, work, facilities,
337 plants, or other equipment for the purpose of furnishing utility
338 service of any kind to such projects or to any tenant or
339 occupant thereof if ~~in the event that~~ a system, work, facility,
340 plant, or other equipment for the furnishing of the same utility
341 service is being ~~actually~~ operated by a municipality or private
342 concern in the area of operation or the city or the territory
343 immediately adjacent thereto. However, this subparagraph does
344 not ~~; provided, further, that nothing herein shall be construed~~
345 ~~to~~ prohibit the construction or acquisition by the authority of:

346 a. Any system, work, facilities, or other equipment for the
347 sole and only purpose of receiving utility services from any
348 such municipality or such private concern and then distributing

578-03628-15

20151520c1

349 such utility services to the project and to the tenants and
350 occupants thereof; or ~~and,~~

351 b. Any renewable energy devices or systems to be installed
352 and located upon housing authority property for the sole purpose
353 of reducing utility costs to the tenants or occupants thereof.

354 2. Notwithstanding anything to the contrary contained in
355 this chapter or in any other provision of law, the authority may
356 to include, in any contract let in connection with a project,
357 stipulations requiring that the contractor and any
358 subcontractors comply with requirements as to minimum wages and
359 maximum hours of labor, ~~and comply~~ with any conditions which the
360 Federal Government may have attached to its financial aid of the
361 project.

362 (d)(4) To lease or rent any dwellings, houses,
363 accommodations, lands, buildings, structures, or facilities
364 embraced in any housing project and, subject to the limitations
365 contained in this chapter, to establish and revise the rents or
366 charges therefor; to own, hold, and improve real or personal
367 property; to purchase, lease, obtain options upon, acquire by
368 gift, grant, bequest, devise, or otherwise any real or personal
369 property or any interest therein; to acquire by the exercise of
370 the power of eminent domain any real property, except real
371 property to be used to provide access to essential commercial
372 goods and services; to sell, lease, exchange, transfer, assign,
373 pledge, or dispose of any real or personal property or any
374 interest therein; to insure or provide for the insurance of any
375 real or personal property or operations of the authority against
376 any risks or hazards; and to procure or agree to the procurement
377 of insurance or guarantees from the Federal Government of the

578-03628-15

20151520c1

378 payment of any such debts or parts thereof, whether or not
379 incurred by the ~~said~~ authority, including the power to pay
380 premiums on any such insurance.

381 (e)~~(5)~~ To invest any funds held in reserves or sinking
382 funds, or any funds not required for immediate disbursement, in
383 property or securities in which savings banks may legally invest
384 funds subject to their control and~~;~~ to purchase its debentures
385 at a price not exceeding ~~more than~~ the principal amount thereof
386 and accrued interest, with all debentures so purchased to be
387 canceled.

388 (f)~~(6)~~ Within its area of operation: to investigate into
389 living, dwelling, and housing conditions and into the means and
390 methods of improving such conditions; to determine where
391 blighted slum areas exist or where there is a shortage of
392 decent, safe, and sanitary dwelling accommodations for persons
393 of low income; to make studies and recommendations relating to
394 the problem of clearing, replanning, and reconstruction of
395 blighted slum areas and the problem of providing dwelling
396 accommodations for persons of low income; to administer fair
397 housing ordinances and other ordinances as adopted by cities,
398 counties, or other authorities who wish to contract for
399 administrative services and to cooperate with the city, the
400 county, or the state or any political subdivision thereof in
401 action taken in connection with such problems; and to engage in
402 research, studies, and experimentation on the subject of
403 housing.

404 (g)~~(7)~~ Acting through one or more commissioners or other
405 person or persons designated by the authority:;~~;~~ to conduct
406 examinations and investigations and to hear testimony and take

578-03628-15

20151520c1

407 proof under oath at public or private hearings on any matter
408 material for its information; to administer oaths, issue
409 subpoenas requiring the attendance of witnesses or the
410 production of books and papers, and to issue commissions for the
411 examination of witnesses who are outside ~~of~~ the state, ~~or~~ or unable
412 to attend before the authority, or excused from attendance; and
413 to make available to appropriate agencies, including those
414 charged with the duty of abating or requiring the correction of
415 nuisances or like conditions, or of demolishing unsafe or
416 insanitary structures within its area of operation, its findings
417 and recommendations with regard to any building or property
418 where conditions exist which are dangerous to the public health,
419 morals, safety, or welfare.

420 (h)(8)(a) To organize for the purpose of creating a for-
421 profit or not-for-profit corporation, limited liability company,
422 or other similar business entity pursuant to all applicable laws
423 of this state in which the housing authority may hold an
424 ownership interest or participate in its governance in order to
425 develop, acquire, lease, construct, rehabilitate, manage, or
426 operate multifamily or single-family residential projects and
427 commercial projects that allow access to essential commercial
428 goods and services for persons of low income residing in such
429 residential projects.

430 1. These projects may include nonresidential uses and may
431 use public and private funds to serve individuals or families
432 who meet the applicable income requirements of the state or
433 federal program involved; whose income does not exceed 150
434 percent of the applicable median income for the area, as
435 established by the United States Department of Housing and Urban

578-03628-15

20151520c1

436 Development; and who, in the determination of the housing
437 authority, lack sufficient income or assets to enable them to
438 purchase or rent a decent, safe, and sanitary dwelling. These
439 corporations, limited liability companies, or other business
440 entities may join partnerships, joint ventures, or limited
441 liability companies pursuant to applicable laws or may otherwise
442 engage with business entities in developing, acquiring, leasing,
443 constructing, rehabilitating, managing, or operating such
444 projects.

445 2.~~(b)~~ The creation by a housing authority of such a
446 corporation, limited liability company, or other business entity
447 that is properly registered pursuant to all applicable laws
448 before the effective date of this act is ratified and validated
449 if the creation of such corporation, limited liability company,
450 or other business entity would have been valid had this act been
451 in effect at the time such corporation, limited liability
452 company, or other business entity was created and registered.

453 3.~~(e)~~ Proceedings or acts performed by a housing authority
454 or a corporation, limited liability company, or other business
455 entity authorized pursuant to subparagraph 2. ~~paragraph (b)~~ are
456 ratified and validated if such proceedings or acts were in
457 furtherance of the purposes set forth in this chapter and would
458 have been valid had this act been in effect at the time such
459 proceedings or acts were performed.

460 (i)~~(9)~~ Notwithstanding s. 112.061, to the governing board
461 ~~of an authority may~~ approve and implement policies for per diem,
462 travel, and other expenses of its officials, officers, board
463 members, employees, and authorized persons in a manner
464 consistent with federal guidelines.

578-03628-15

20151520c1

465 (j)~~(10)~~ To exercise all or any part or combination of
 466 powers ~~herein~~ granted in this section. ~~No~~ Provisions of law
 467 relating with respect to acquisition, operation, or disposition
 468 of property by other public bodies do not apply ~~shall be~~
 469 ~~applicable~~ to an authority unless the Legislature ~~shall~~
 470 specifically so states ~~state~~.

471 (2) Any revenue received by a housing authority from
 472 commercial projects that provide access to essential commercial
 473 goods and services necessary for daily living of persons
 474 residing in housing developments must be used exclusively for
 475 affordable housing.

476 Section 8. Subsection (2) of section 421.09, Florida
 477 Statutes, is amended to read:

478 421.09 Operation not for profit.-

479 (2) This section does not prohibit or restrict the
 480 activities or operations of a business entity created under s.
 481 421.08(1)(h) ~~421.08(8)~~.

482 Section 9. Subsection (1) of section 421.091, Florida
 483 Statutes, is amended to read:

484 421.091 Financial accounting and investments; fiscal year.-

485 (1) A complete and full financial accounting and audit in
 486 accordance with federal audit standards of public housing
 487 agencies shall be made biennially by a certified public
 488 accountant and submitted to the Federal Government in accordance
 489 with its policies. Housing authorities are otherwise exempt from
 490 the reporting requirements of s. 218.32. ~~A copy of such audit~~
 491 ~~shall be filed with the governing body and with the Auditor~~
 492 ~~General.~~

493 Section 10. Paragraph (b) of subsection (2) and subsection

578-03628-15

20151520c1

494 (3) of section 421.21, Florida Statutes, are amended to read:

495 421.21 Aid from Federal Government; tax exemptions.—

496 (2) In addition to the powers conferred upon an authority
497 by subsection (1) and other provisions of this chapter, an
498 authority is empowered to borrow money or accept grants or other
499 financial assistance from the Federal Government under s. 202 of
500 the Housing Act of 1959 (Pub. L. No. 86-372) or any law or
501 program of the United States Department of Housing and Urban
502 Development, which provides for direct federal loans in the
503 maximum amount, as defined therein, for the purpose of assisting
504 certain nonprofit corporations to provide housing and related
505 facilities for elderly families and elderly persons.

506 (b) This provision relating to housing facilities for the
507 elderly is cumulative and in addition to the powers given to
508 housing authorities under this chapter. All powers granted
509 generally by law to housing authorities in Florida relating to
510 issuance of trust indentures, debentures, and other methods of
511 raising capital also ~~shall~~ apply ~~also~~ to housing authorities in
512 connection with their participation in programs of the United
513 States Department of Housing and Urban Development.

514 (3) It is the legislative intent that the tax exemption of
515 housing authorities provided by chapter 423, ~~shall~~ specifically
516 applies ~~apply~~ to any housing authority created under this
517 section and any affordable housing efforts it undertakes, either
518 directly or through instrumentalities.

519 Section 11. Section 421.281, Florida Statutes, is created
520 to read:

521 421.281 Consolidated Housing Authorities.—

522 (1) CREATION.—

578-03628-15

20151520c1

523 (a) If, after a public hearing and two consecutive meetings
524 at which such resolution is heard, the commissioners of at least
525 two municipal or municipal and county housing authorities of
526 neighboring areas of operation that are not under federal
527 receivership declare by identical resolution that there is a
528 need for merging their authorities which serves the best
529 interest of their respective tenants and communities, one
530 housing authority shall be created for all of such authorities
531 to exercise powers and other functions herein prescribed in such
532 areas of operation through a public body corporate and politic
533 to be known as a consolidated housing authority.

534 (b) After the consolidation, each housing authority created
535 by s. 421.04 or s. 421.27 for each of the areas shall cease to
536 exist except for the purpose of winding up its affairs and
537 executing a deed to the consolidated housing authority as
538 hereafter provided, if:

539 1. All obligees of such housing authorities and parties to
540 the contracts, bonds, notes, and other obligations of such
541 housing authorities agree to the substitution of the
542 consolidated housing authority; and

543 2. The commissioners of such housing authorities adopt a
544 resolution consenting to the transfer of all of the rights,
545 contracts, obligations, and property, real and personal, to the
546 consolidated housing authority.

547 (c) When any real property of a housing authority vests in
548 a consolidated housing authority as provided in subsection (2),
549 the housing authority shall execute a deed of such property to
550 the consolidated housing authority which shall file such deed
551 with the recorder of deeds of the county where such real

578-03628-15

20151520c1

552 property is located.

553 (d) In any suit, action, or proceeding involving the
554 validity or enforcement of, or relating to, any contract of the
555 consolidated housing authority, the consolidated housing
556 authority shall be conclusively deemed to have been created,
557 established, and authorized to transact business and exercise
558 its powers hereunder upon proof of the adoption of a resolution
559 by the commissioners of each of the authorities creating the
560 consolidated housing authority.

561 (e) No more than three housing authorities may be
562 consolidated within a 10-year period, unless there is a
563 resolution of each housing authority and local government within
564 the area of operation in support of such additional
565 consolidation.

566 (2) AREA OF OPERATION.—

567 (a) The area of operation of a consolidated housing
568 authority shall include the combined areas of operation of the
569 housing authorities that merged to form the consolidated housing
570 authority.

571 (b) In connection with the issuance of bonds or the
572 incurring of other obligations, a consolidated housing authority
573 may covenant as to limitations on its right to adopt resolutions
574 relating to the increase of its area of operation.

575 (3) COMMISSIONERS.—

576 (a) When a consolidated housing authority has been created,
577 the consolidation plan must include provision for the
578 distribution of appointments among the existing appointing
579 authorities. The appointing authorities shall thereupon appoint
580 seven persons, with at least one qualified elector from each

578-03628-15

20151520c1

581 area of operation included therein, provided that there are
582 suitable candidates who are willing to serve from each area of
583 operation.

584 (b) When the area of operation of a consolidated housing
585 authority is increased to include an additional area of
586 operation as herein provided, the consolidation plan must
587 provide for the appointment of one qualified elector from each
588 such additional area of operation as a commissioner. The number
589 of commissioners of a consolidated housing authority may be
590 increased above seven only for the implementation of this
591 subsection.

592 (c) If any county is later excluded from the area of
593 operation of a consolidated housing authority, the office of the
594 commissioner of such housing authority appointed as provided in
595 subsection (2) is abolished.

596 (d) If the area of operation of a consolidated housing
597 authority consists at any time of an even number of counties,
598 the Governor shall appoint one additional commissioner, who must
599 be a qualified elector from one of the counties in such area of
600 operation.

601 (e) A certificate of the appointment of any commissioner of
602 a consolidated housing authority shall be filed with the county
603 clerk of the county from which the commissioner is appointed,
604 and such certificate shall be conclusive evidence of the due and
605 proper appointment of such commissioner.

606 (f) The commissioners of a consolidated housing authority
607 shall be appointed for staggered terms of 4 years, except that
608 the terms of the initial appointees may be truncated to provide
609 for staggered terms, and vacancies shall be filled for the

578-03628-15

20151520c1

610 unexpired terms. Each commissioner shall hold office until a
611 successor has been appointed and has qualified, except as
612 otherwise provided herein. The appointing authority shall
613 thereafter appoint the successor of each commissioner.

614 (g) The commissioners of a consolidated housing authority
615 shall elect a chair from among the commissioners and may select
616 or employ such other officers and employees as the housing
617 authority may require. A majority of the commissioners of a
618 consolidated housing authority constitutes a quorum for the
619 purpose of conducting its business and exercising its powers and
620 for all other purposes.

621 (4) POWERS AND DUTIES.—Except as otherwise provided herein,
622 a consolidated housing authority and the commissioners thereof
623 shall, within the area of operation of such consolidated housing
624 authority, have the same functions, rights, powers, duties,
625 privileges, and immunities provided for housing authorities
626 created for cities or counties. A consolidated housing authority
627 may select an appropriate corporate name.

628 Section 12. Section 421.32, Florida Statutes, is amended to
629 read:

630 421.32 Rural housing projects.—County housing authorities,
631 consolidated housing authorities, and regional housing
632 authorities are specifically empowered and authorized to borrow
633 money, accept grants, and exercise their other powers to provide
634 housing for farmers of low income and domestic farm labor as
635 defined in s. 514 of the Federal Housing Act of 1949. In
636 connection with such projects, any such housing authority may
637 enter into such leases or purchase agreements, accept such
638 conveyances, and rent or sell dwellings forming part of such

578-03628-15

20151520c1

639 projects to or for farmers of low income, as such housing
640 authority deems necessary in order to assure the achievement of
641 the objectives of this law. Such leases, agreements, or
642 conveyances may include such covenants as the housing authority
643 deems appropriate regarding such dwellings and the tracts of
644 land described in any such instrument, which covenants shall be
645 deemed to run with the land when ~~where~~ the housing authority
646 deems it necessary and the parties to such instrument so
647 stipulate. In providing housing for farmers of low income,
648 county housing authorities, consolidated housing authorities,
649 and regional housing authorities are ~~shall~~ not be subject to the
650 limitations provided in ss. 421.08(1)(c) ~~421.08(3)~~ and
651 421.10(3). ~~Nothing contained in This section does not limit~~
652 ~~shall be construed as limiting~~ any other powers of any housing
653 authority.

654 Section 13. Section 421.321, Florida Statutes, is amended
655 to read:

656 421.321 Execution of mortgages.—County, consolidated, and
657 regional housing authorities organized under this chapter are
658 authorized to execute mortgages encumbering real property as
659 security for loans made for providing facilities for domestic
660 farm labor pursuant to s. 514 of the Federal Housing Act of
661 1949.

662 Section 14. Section 421.33, Florida Statutes, is amended to
663 read:

664 421.33 Housing applications by farmers.—The owner of any
665 farm operated, or worked upon, by farmers of low income in need
666 of safe and sanitary housing may file an application with a
667 housing authority created for a county, consolidated, or a

578-03628-15

20151520c1

668 regional housing authority requesting that it provide for a safe
669 and sanitary dwelling or dwellings for occupancy by such farmers
670 of low income. Such applications shall be received and examined
671 by housing authorities in connection with the formulation of
672 projects or programs to provide housing for farmers of low
673 income. ~~Provided,~~ However, ~~that~~ if it becomes necessary for an
674 applicant under this section to convey any portion of the
675 applicant's then homestead in order to take advantages as
676 provided herein, then in that event, ~~the~~ parting with title to a
677 portion of said homestead shall not affect the remaining portion
678 of same, but all rights that said owner may have in and to same
679 under and by virtue of the State Constitution ~~of the state~~ or
680 any law passed pursuant thereto, shall be deemed and held to
681 apply to such remaining portion of said land, the title of which
682 remains in said applicant. ~~it being the intention of~~ The
683 Legislature intends to permit the owner of any farm operated or
684 worked upon by farmers of low income in need of safe and
685 sanitary housing to take advantage of the provisions of this law
686 without jeopardizing the owner's ~~their~~ rights in the owner's
687 ~~their~~ then homestead by reason of any requirement that may be
688 necessary in order ~~for them~~ to receive the benefits herein
689 provided, ~~and a ne~~ and a court may not ~~shall ever~~ construe that an
690 applicant who has taken advantage of this law has ~~in any manner,~~
691 ~~shape, or form~~ abandoned his or her rights in any property that
692 is the applicant's then homestead by virtue of such action upon
693 his or her part, but it shall be held, construed, and deemed
694 that such action upon the part of any applicant hereunder was
695 not any abandonment of the applicant's then homestead, and that
696 all rights that the applicant then had therein shall be and

578-03628-15

20151520c1

697 remain as provided by the State Constitution and any law enacted
698 pursuant thereto.

699 Section 15. Section 422.02, Florida Statutes, is amended to
700 read:

701 422.02 Finding and declaration of necessity.—It has been
702 found and declared in the Housing Authorities Law that there
703 exist in the state unsafe and insanitary housing conditions, and
704 a shortage of safe and sanitary dwelling accommodations, and a
705 lack of access to essential commercial goods and services
706 necessary for daily living for persons of low income; that these
707 conditions necessitate excessive and disproportionate
708 expenditures of public funds for crime prevention and
709 punishment, public health, welfare and safety, fire and accident
710 protection, and other public services and facilities; and that
711 the public interest requires the remedying of these conditions.
712 It is found and declared that the assistance herein provided for
713 the remedying of the conditions set forth in the Housing
714 Authorities Law constitutes a public use and purpose and an
715 essential governmental function for which public moneys may be
716 spent and other aid given; that it is a proper public purpose
717 for any state public body to aid any housing authority operating
718 within its boundaries or jurisdiction or any housing project
719 located therein, as the state public body derives immediate
720 benefits and advantages from such an authority or project; and
721 that the provisions hereinafter enacted are necessary in the
722 public interest.

723 Section 16. Section 422.04, Florida Statutes, is amended to
724 read:

725 422.04 Cooperation in undertaking housing projects.—

578-03628-15

20151520c1

726 (1) For the purpose of aiding and cooperating in the
727 planning, undertaking, construction, or operation of housing
728 projects located within the area in which it is authorized to
729 act, any state public body may, upon such terms, with or without
730 consideration, as it may determine:

731 (a) Dedicate, sell, convey, or lease any of its property to
732 a housing authority or the Federal Government. ~~†~~

733 (b) Cause parks; ~~†~~ playgrounds; ~~†~~ recreational, community,
734 educational, water, sewer, or drainage facilities; commercial
735 projects that allow access to essential commercial goods and
736 services for persons of low income residing in housing projects;
737 or any other works, ~~which~~ it is otherwise empowered to
738 undertake, ~~†~~ to be furnished adjacent to or in connection with
739 housing projects. ~~†~~

740 (c) Furnish, dedicate, close, pave, install, grade,
741 regrade, plan, or replan streets, roads, roadways, alleys,
742 sidewalks, or other places ~~which~~ it is otherwise empowered to
743 undertake. ~~†~~

744 (d) Plan, ~~or~~ replan, zone, or rezone any part of such state
745 public body; make exceptions from building regulations and
746 ordinances; and, with respect to any city or town, also may
747 change its map. ~~†~~

748 (e) Enter into agreements, which may extend over any
749 period, notwithstanding any provision or rule of law to the
750 contrary, with a housing authority or the Federal Government
751 respecting action to be taken by such state public body pursuant
752 to any of the powers granted by this chapter. ~~†~~

753 (f) Do any and all things, ~~†~~ necessary or convenient to aid
754 and cooperate in the planning, undertaking, construction, or

578-03628-15

20151520c1

755 operation of such housing projects.~~†~~

756 (g) Purchase or legally invest in any of the debentures of
757 a housing authority and exercise all of the rights of any holder
758 of such debentures.~~†~~

759 (h) Not require any changes to be made in a housing project
760 or the manner of its construction or take any other action
761 relating to such construction with respect to any housing
762 project which a housing authority has acquired or taken over
763 from the Federal Government and which the housing authority by
764 resolution has found and declared to have been constructed in a
765 manner that will promote the public interest and afford
766 necessary safety, sanitation, and other protection.~~†~~ ~~no state~~
767 ~~public body shall require any changes to be made in the housing~~
768 ~~project or the manner of its construction or take any other~~
769 ~~action relating to such construction;~~

770 (i) Incur the entire expense of ~~In connection with~~ any
771 public improvements made by the a state public body in
772 exercising the powers herein granted, ~~such state public body may~~
773 ~~incur the entire expense thereof.~~

774 (2) Any law or statute to the contrary notwithstanding, any
775 sale, conveyance, lease, or agreement provided for in this
776 section may be made by a state public body without appraisal,
777 public notice, advertisement, or public bidding.

778 Section 17. Section 423.01, Florida Statutes, is amended to
779 read:

780 423.01 Finding and declaration of property of tax exemption
781 for housing authorities.—It has been found and declared in the
782 Housing Authorities Law and the Housing Cooperation Law that:

783 (1) There exist in the state housing conditions that ~~which~~

578-03628-15

20151520c1

784 constitute a menace to the health, safety, morals, and welfare
785 of the residents of the state;

786 (2) These conditions necessitate excessive and
787 disproportionate expenditures of public funds for crime
788 prevention and punishment, public health, welfare and safety,
789 fire and accident prevention, and other public services and
790 facilities;

791 (3) The public interest requires the remedying of these
792 conditions by the creation of housing authorities to undertake
793 projects for the slum clearance of blighted areas and for
794 providing safe and sanitary dwelling accommodations and access
795 to essential commercial goods and services necessary for daily
796 living for persons who lack sufficient income to enable them to
797 live in decent, safe, and sanitary dwellings without
798 overcrowding; and

799 (4) Facilities made available by housing authorities to
800 provide access to essential commercial goods and services
801 necessary for daily living for persons of low income residing in
802 housing projects are a critical component of those housing
803 projects and constitute a public use and a governmental
804 function; and

805 (5)~~(4)~~ Such housing projects, including all property of a
806 housing authority used for or in connection therewith or
807 appurtenant thereto and all property used to provide access to
808 essential commercial goods and services necessary for daily
809 living for persons of low income residing in such housing
810 projects, are exclusively for public uses and municipal purposes
811 and not for profit, and are governmental functions of state
812 concern. As a matter of legislative determination, it is found

578-03628-15

20151520c1

813 and declared that the property and debentures of a housing
814 authority are of such character as may be exempt from taxation.

815 Section 18. Section 423.02, Florida Statutes, is amended to
816 read:

817 423.02 Housing projects exempted from taxes and
818 assessments; payments in lieu thereof.—The housing projects,
819 including all property of housing authorities used for or in
820 connection therewith or appurtenant thereto, of housing
821 authorities are ~~shall be~~ exempt from all taxes and special
822 assessments of the state or any city, town, county, or political
823 subdivision of the state. ~~., provided,~~ However, ~~that~~ in lieu of
824 such taxes or special assessments, a housing authority may agree
825 to make payments to any city, town, county, or political
826 subdivision of the state for services, improvements, or
827 facilities furnished by such city, town, county, or political
828 subdivision for the benefit of a housing project owned by the
829 housing authority, but ~~in no event shall~~ such payments may not
830 exceed the estimated cost to such city, town, county or
831 political subdivision of the services, improvements, or
832 facilities to be ~~se~~ furnished by the city, town, county, or
833 political subdivision of the state. This section does not exempt
834 the activities or property of a person who provides essential
835 commercial goods and services. However, the real property of a
836 housing authority that is used to provide access to essential
837 commercial goods and services under this chapter is exempt from
838 ad valorem taxes and special assessments.

839 Section 19. Paragraph (f) of subsection (1) of section
840 893.13, Florida Statutes, is amended to read:

841 893.13 Prohibited acts; penalties.—

578-03628-15

20151520c1

842 (1)

843 (f) Except as authorized by this chapter, a person may not
844 sell, manufacture, or deliver, or possess with intent to sell,
845 manufacture, or deliver, a controlled substance in, on, or
846 within 1,000 feet of the real property comprising a public
847 housing facility at any time. As used in this section, the term
848 "real property comprising a public housing facility" means real
849 property, as defined in s. 421.03(14) ~~421.03(12)~~, of a public
850 corporation created as a housing authority pursuant to part I of
851 chapter 421. A person who violates this paragraph with respect
852 to:

853 1. A controlled substance named or described in s.
854 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
855 commits a felony of the first degree, punishable as provided in
856 s. 775.082, s. 775.083, or s. 775.084.

857 2. A controlled substance named or described in s.
858 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
859 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
860 the second degree, punishable as provided in s. 775.082, s.
861 775.083, or s. 775.084.

862 3. Any other controlled substance, except as lawfully sold,
863 manufactured, or delivered, must be sentenced to pay a \$500 fine
864 and to serve 100 hours of public service in addition to any
865 other penalty prescribed by law.

866 Section 20. This act shall take effect July 1, 2015.

867